THE DVTIES OF Constables, Borsholders, *Tythingmen, and such o-* ther lowe and Lay Ministers of the Peace.

Whereunto be adioyned, the *seuerall offices of Church Ministers* and Churchwardens, and Ouerseers for the Poore, Surueyours of the highwaies, and Distributors of the prouision against noysome foule and vermine.

First collected by WILLIAM LAMBARD *Of Lincolnes Inne Gent.*

And now enlarged in the yeare 1610.

LONDON,
Printed for the Companie of Stationers.
1610.

Cum Priuilegio.

¶ The duties of Constables, Borsholders, Tythingmen, and such other *low Ministers of the* Peace.

VNderstanding by sundry friends of mine, that many well disposed men do earnestly wish, that some one short and plaine collection might be made of the duties of High Constables, petite Constables, Borsholders, Tythingmen, Hedborows, and such like inferiour Ministers of the Kings Maiesties Peace: to the end that when any of them should be called to any of the sayd offices (or the like) they might the better behaue themselues in doing the same: I haue thought it a thing worthy the labour, to send abroad amongst them this little Treatise, which I haue drawne to satisfie in some part their honest desire: heartily praying vnto God, that as their knowledge may be increased in the reading hereof, so also their diligence may bee amended in the

1 The preface.

practise of the same, to the setting forth of the glorie of God, and to the aduancemēt of the Kings Maiesties seruice in this behalfe.

The diuision of this worke.

2 And because I purpose (by the help of God) to make this worke so short, and so plaine withall, as the matter thereof it selfe will suffer me, and as the vnderstanding of vnlearned mē doth require: I will first speake somewhat, both of the sundry names & beginnings of these officers, and then afterward I will go in hand with ẏ parts of their seuerall duties.

The names of the Officers.

3 The sundry names of Constables, or High Constables, that bee of Laths, Rapes, Wapentakes, Hundreds, and Frāchises, and the diuerse names also of Constables, petie Constables, Tythingmen, Borsholders, Borowheads, Headborowes, chiefe pledges, & such other (if ther be any) ẏ beare office in townes, parishes, hāmlets, tithings, or borowes (for of Cōstables, of Castles, otherwise called castellans, & such others I meane not to entreat) are all (in effect) but two, that is to say, Constables & Borsholders: for these two words do containe as much as al ẏ rest of those names, & to those two al the rest of them may be reduced: and therefore in speaking seuerally of those two, I will passe along and touch all the rest also.

4 The name Conſtable, is made (as I haue read) of two Engliſh wordes put together, namely, Cuning (or Cyng) & Staple, which do ſignifie, the ſtay (or hold) of the king. For by the auncient cuſtome of this Realm, there is a great officer called the Conſtable of England, who by meanes of the high authoritie that he had, was a principall ſtay vnto the Kings gouernment: and this man had iuriſdiction & authoritie in deedes of Armes, & matters of warre, both within & without the realme. Out of which office, this lower cõſtableſhip was at the firſt drawn & fetched, and is (as it were) a derie finger of that hand. For the ſtatute of *Wincheſter*, which was made in the time of K. Edward the firſt, & by which theſe lower Conſtables of hundreds and Franchiſes were firſt ordained, doth (amõgſt other things) appoint, (that for the better keeping of the Peace, two Conſtables in euery Hundred and Franchiſe, ſhould make the view of Armor.

Conſtables name.

21.R.2. cap.12.

13.E.1.

His beginning.

So then, the name of Conſtable in a Hundred or Franchiſe doth mean, that he is an officer, that ſupporteth the Kings Maieſtie in the maintenance of his peace, within ỹ precinct of his hundred or franchiſe: & he is many times called the High Conſtable, in cõpariſon of the Conſtables, or pety Conſtables, that be in the townes,

or parishes within his hundred or franchise: whose part it likewise is, to maintaine the peace within the seuerall limits of their owne townes or parishes.

Borsholders name. 5 As touching Borsholder (which is ye other generall name, & doth contain within it ye meaning of Tythingmen, Borowheads, Headborowes, Thirdborowes, and chiefpledges) that also is made vp of these two English words, Borhes, & Ealder, of the which, Borhes betokeneth pledges, & Ealder signifieth the Chiefe, the Head, or the Ealder: and Borshsealder in one word, doth meane the chiefe (or head) of the sureties, or pledges.

His two offices. 6 But now, that you may the better vnderstand what is meant by this, you must further know, that euery of these Borsholders, Tythingmen, Borowheads, Hedborows, Thirdborows, & chiefpledges, hath two seuerall offices at this day: the one being his ancient and first office, and the other his later made office.

His first office. 7 His first office beganne thus: by the auncient lawes of this realme (before the comming in of king William the Conquerour) it was ordained for ye more sure keeping of the Peace, & for the better repressing of theeues & robbers, that al free born men should cast themselues into seuerall companies, by ten in each companie: and Archaionomia.

that

that euery of thoſe ten men of the compa-nie, ſhould bée ſurette and pledge for the forth-comming of his fellowes: ſo that if any harme were done by any of theſe ten againſt the peace, then the reſt of the ten ſhould be amerced, if he of their companie that did the harme ſhould flie, and were not forth-comming to anſwere to that wherewith he ſhould be charged.

And for this cauſe, theſe companies bée yet in ſome places of England (namely with vs in Kent) called Boroes, of the ſaid word Borhes, Pledges, or ſureties: albeit in the weſterne parts of this Realme they bée commonly named Tythinges becauſe they containe (as I told you) the number of ten men with their families. And euen as ten times ten do make an hundred: ſo, becauſe it was then alſo appointed that ten of theſe companies ſhould at certaine times méete together for their matters of greater waight, therefore that generall aſſembly (or court) was (and yet is) called a Hundred.

Furthermore it was ſhē alſo ordained, that if any man were of ſo euill credit, ỳ he could not get himſelfe to be receiued into one of theſe Tythings or Boroes, then he ſhould be ſhut vp in priſon, as a mā vn-worthy to liue at liberttie, amongſt men abroād.

Tithingman. Headborow, &c.

8 Now wheras euery of these Tithings (or Boroes) did vse to make choise of one man amõgst themselues, to speak, & to do, in the name of them all: he was therefore in some places called the Tithingman, in other places the Boroes Elder (whom wee now call Borsholder) in other places the Borohead or Headborow, & in some other places the Chiefe pledge, which last name doth plainely expound the other three that are next before it: for Head or Elder of the Boroes, & chiefe of the pledges, be all one, And in some shires, where euery Thirdborow hath a Cõstable, there the officers of the other two be called Thirdborowes.

Old orders in Tithings.

9 Moreouer, in these Tithings (or Boroes) sundry good orders were obserued, & amongst others: first, that euery man of the age of xij. yeares should be sworne to the King: then that no man should be suffered to dwell in any towne or place, vnlesse he were also receiued into some such suretiship & pledge as is aforesaid. Thirdly, that if any of these pledges were imprisoned for his offence, then he ought not to be deliuered without the assent of the rest of his pledges. Again, that no man might remoue out of one Tithing (or Boroe) to dwel in another, without lawful warrãt in that behalfe. Lastly, that euery of these pledges should yeerely bee presented and brought

Ium Kane.

Vid. 45. Ed. 3. 27. Et Kitch. Fol. 12.

brought forth by their Chiefe pledge at a generall assembly for that purpose, which we yet in remembrance therof do call, the View of Frankpledge, or the Leet Court.

10 Hitherto I haue opened the ancient Office of the *Borsholder*, *Tythingman*, & the rest, whereof also there is yet to this day some shewe or remnant in our *Leetes* (or *Law* daies) but if the verie substance thereof were throughly performed (as I knowe no let, but that by law it may) then should the peace of the land be much better maintained then now it is.

This later office.

As touching the later office that these Borsholders, Tythingmen, Headborows, Boroheads, Thirdboroes, & chiefe Pledges haue, it is in maner all one with the office of a Constable of a town, or parish, which is commonly named a petie Constable, or vnder Constable, because hee is a small Constable in respect of the Constable of his hundred, within whose limit he is.

For as about the beginning of the raign of king Ed. 3. petie Constables were deuised in townes & parishes for the aide of the Constables of the Hundred: so of later times also, Borsholders, Tythingmen, Headborowes, & such like haue beene vsed as petite Constables, within their owne Borowes & Tythings. And yet not so vniuersally, but that some of them haue at

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this day none other but their olde office. For in some of the Westerne partes of England, you shal see, that where there be many Tythingmen in one parish, there onely one of them is a Constable for the King, and the rest do serue but as the ancient Tythingmen did. Now therefore, hauing spoken of the names and beginnings of these inferiour officers of the peace, let vs also come to the parts of their common and seuerall duties.

Diuision of their office.

11 For as much as a great and chiefe part of the duetie both of these high Constables, of Lathes, Rapes, Wapentakes, Hundreds, and Franchises: and also of these Constables, petie Constables, Tythingmen, Borsholders, Borowheads, Headboroughes, Thirdborowes, Cheife Pledges, and such like ministers, by whatsoeuer other names they be called in any townes, parishes, Tythings, Borowes, Hamlets, or other places of the Realme, doth consist in the maintenance of the Kings Maiesties peace, wherein (as also in some other points) the power of them al is alike, and but one, within their seuerall limits and places of authoritie, therfore I thinke it good to shewe first, what their common and equal duetie is in matters concerning the peace, either by their owne authoritie, or vnder the authoritie

of

of others: then afterward to declare, what their common and like duetie is in some other things not concerning the peace: lastly, to open those things wherein they haue a distinct & seuerall duetie, one from another of them.

Their office concerning the Peace.

12 The Conseruation (or maintenãce) of the peace standeth in three things, that is to say: first, in foresæing that nothing be done, that tendeth either directly, or by meanes, to the breach of the peace: secondly, in quieting or pacifying those that are occupied in the breach of the peace: and thirdly, in punishing such as haue already broken the peace.

What is the breach of the peace

And heare, least any man should bée deceiued in not vnderstãding what is meãt by these words, The breach of the peace, he must first of all know, that by ỹ breach of the peace, is vnderstood, not onely that fighting, which wee commonly call the breach of the peace, but also that euerie murder, rape, manslaughter, and felonie, whatsoeuer, and euerie affraying (or putting in feare) of the K. people, whether it be by vnlawfull wearing of Armor, or by assembling of people to do any vnlawfull act, are taken to be disturbances or breaches of the peace.

To preuent things against the Peace.

13 But now, for the better preuenting that nothing be done against the Peace, any

13.H.7. 10.Cur.

any of these Officers aforesaide may take (or arrest) suspected persons, which walke in the night, & sleepe in the day: or which do haunt any house, where is suspition of bawdrie: and they may carry them before a Iustice of the Peace, to finde sureties of their good behaviour. And if any such Officer be not of sufficient strength to do that alone, then may hee take meete aide of his neighbors thereto: & they, in such cases, be compellable to help and assist him.

Any of these Officers may also arrest such strange persons as doe walke abroad in the night season: and for that cause the said statute of *Winchester* did ordaine, that night watches should be kept yerely, from the feast of the Ascention vntill Michaelmas, by fire men at euerie gate of euerie Citie, by twelue men in euery Borough towne, and in euerie other towne by fire men, or foure men, or according to the number of inhabitants in the towne, all the night long, from Sun letting to Sun rising: so that if any stranger did passe, hee should bee arrested till the morning, and then set at large (if no suspition were foūd of him) but if any suspition fel out against him, then hee should bee imprisoned, till he might be lawfully deliuered. And of these Watches, the officers before named haue the charge within the limits (or places)

Fit. in Iust. del P. 171.

13. Ed. 1.

of

of their authorities, as the Conſtable in his towne, the Borſholder in his borow, & the high Conſtable within all his Hundred: and theſe Officers ought to ſée theſe Watches duly ſet and kept, and ought alſo to cauſe Huy and Cry to be raiſed after ſuch as will not obey the arreſt of ſuch watchmen.

Stat. North. 2. E. 3. cap. 3. Againe, if any perſon whatſoeuer (except the Kings ſeruants and miniſters in his preſence, or in executing his precepts, or other offices, or ſuch as ſhal aſſiſt them: and except it be vpon Huy and Cry made to kéepe the peace, & that in places where acts againſt the Peace do happen) ſhall be ſo bold, as to goe, or ride armed, by night, or by day, in Faires, Markets, or any other places: then any Conſtable, or any other of the ſayd Officers, may take ſuch Armour from him, for the Kings vſe, and may alſo commit him to the Gaole. And therefore it ſhal be good in this behalfe, for theſe Officers to ſtay & arreſt all ſuch perſons as they ſhall find to carry Dagges or Piſtols, or to bée apparelled with priuie coats, or doublets: as by the proclamation (made in the xxj. yeare of the Raigne of the late Queene Eliz.) they are ſpecially commaunded. 21. Eli. Reg.

17. R. 2. ca. 8. Furthermore, if any great aſſembly or rumor of people be made in manner of inſurrection,

correction, then the Sherifes, Constables, & these said other Ministers, hauing knowledge thereof, ought to go with the strēgth of the Countie, and to set themselues against it, and ought also to take and imprison such offendors.

Lastly, if any man doe threaten to kill another, and he which is so threatned doe pray any of these Officers to arrest the other to finde sureties of the Peace: then may such an officer arrest him to find such suretie before a Iustice of the Peace, and may also carry him to prison, if he refuse to find it: But if he yeld to goe, it shall be good to take the partie threatened, to the Iustice with him. Barre 202. en Fitzh. 22. Ed. 4. 35. Brian.

To pacifie and punish the breach of the peace

14 Thus much I haue spoken of those things which do bend towards the breach of the peace: but now I will come nearer to the breach it selfe, & withall to the pacifying and punishing of the same.

If therefore a Constable, or any other of the said officers, shall see any men going about to breake the peace, as by vsing hoat words, by which an Affray is like to growe: then ought such Officers to commaund those persons to auoyd, vpon pain of imprisonment: and if they will not depart, but shall drawe weapon, or giue any blowe, then ought he to doe his best to depart them, and to keepe them asunder: and

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he may (for that purpoſe) both vſe his own weapon, and may alſo call others to aſſiſt
3.H.7.10. him. In which doing, if any ſuch Officer,
21.H.7.21. or other perſon comming on his part, doe take hurt, he ſhall haue good remedie by action againſt him that did the hurt: but if any of them that made the Affray, bee hurt by ſuch officer, or by any of his cõpany, then ſuch a hurt perſon hath no remedy at all for it.

13.Ed.4.9. And if he that maketh an Affray, do flie into a houſe when ſuch an officer cõmeth to arreſt him: then may that officer breake open the doores to take him: and if he that made the Affray, do flie from thence alſo, yet may the Officer followe him, and in freſh ſuit take him, though it be in another Shire or Countie.

So, if two men be fighting together in a houſe (the doores being ſhut) yet may ſuch an Officer breake open the doores to cauſe the peace to be kept, though none of the parties haue taken hurt. And in both theſe caſes, ſuch an officer may carry them before a Iuſtice of the Peace to finde Suretie for the peace, becauſe they haue broke the peace already, and are meete to be bound that they ſhal not breake it againe.

Fitzh.72. But if any of the parties to an Affray,
38.Ed.3. haue receiued any daungerous hurt, then
6.& 22. ought ſuch Officer to arreſt him that did
li. aſſ.56. the

the hurt, & to carry him to the Gaole, there to remaine till he find suretie to appeare at the nert Gaole Deliuerie: otherwise, he may with lesse labor carry him to a Iustice of the peace, or to a Coroner, who ought to take order for such suretie, because the fact may fall out to be Felonie, if so be that hee which was hurt doe happen to die within one yeare and a day nert following such hurt vnto him.

And as these Officers ought to arrest those that doe make assault vpon any priuate person, so also may they arrest any such as shall make assault (or Affray) vpõ themselues whilest they be in doing their offices: & may for that purpose both lawfully defend themselues, and also take the offendors, & commit them to the Gaole, or carry them to a Iustice of the Peace, for ỹ finding of such surety as is aforesaid. 5 H.7 4.

But if one do assault a man, in, or nigh the highway, to robbe him, and be taken by the true man, or by any other, and bee brought to the Constable, or such other Officer of the place: then ought such Officer, not onely to take him to his warde, but also to carrie him before a Iustice of peace to cause him to giue suretie for his Good abearing. Barre ror. in Fitzh.

So, if any man doe suspect another of Murder, or Felonie, and doe declare the same 5.E.3 ca 14. 17.E.4 5.

same to any such Officer of the place, thē such officer may arrest the suspected person, and he shall doe well to carte him to a Iustice of the Peace together with him that doth suspect him, to that end that they both may be examined as appertaineth.

2.E.4.9. Yea, any of these said officers may search within the limit of his authoritie, for any persons suspected of Felonie: for it is a chiefe part of their office to represse Felons.

5.H.7.4.5. And therefore any of these Officers may (of his owne authority) arrest one that is endited of Felonie: So, if the cōmon voice and fame be, that A. B. hath done a felonie, that is sufficient cause for any of these Officers (that shall thereof suspect him) to arrest him for it.

And if any man shal flie vpon felonie, it is the office of the Constable of the town, or of any of these other officers there, to seise his goods, and to kæpe them safely:

3Ed.3. Itin. Northumb. for he is to answere for the losse or empairing of them, and therefore it is mæte that he doe it by Inuentorie taken in the presence and by the testimonie of the honest neighbours.

1.H.7.7. And I like wel of their opinion, which do hold, that if information be giuen to any such officer, that a man and a woman be in adulterie, or fornication together,

then the officer may take company with him, and that if he find them so, hee may carrie them to prison.

But this is to be marked, that in the cases before, and such like, where such an Officer hath arrested, or hath in his ward any offendour that ought to be carried to the Gaole, there such an Officer is not bound forthwith to carrie him, but may well for a reasonable time keepe him in the Stockes, vntill that conuenient prouision of strength may bee made to conuey him safely thither. And when hee shall bring such offendour to the Gaole, then ought the Gaoler to receiue the same freely, without taking any thing of the Officer for it. 3.H.4.9. 22.E.3.33. 4.E.3.c.10.

Seruing of precepts.

15 Hitherto (as you see) I haue spoken of the *Constable*, & of these other *Officers*, so farre onely as they haue authoritie by their owne offices, without any commandement from others. But for as much as a great part of their dutie (concerning the Peace) resteth in the making of due execution of the precepts of higher Officers, and especially of the *Iustices* of the peace, who be (as it were) immediatly set ouer them, let vs also see after what maner these *Constables*, and other the said inferiour ministers of the peace, ought to behaue themselues, in that behalfe.

Albeit

Albeit then, that the ſayde Officers bée ſubiect to the commaundements of the Iuſtices of Gaole deliuerie, and of Oyer and Terminer, and of ſome Higher Iuſtices, yea, and to the precepts of Coroners alſo, and of other Officers, in ſome certaine caſes, yet becauſe moſt commonly they are called vpon by the Iuſtices of peace, they ought ſpecially to ſhew themſelues obedient to their Precepts, who (as it may appeare by ſome old Preſidents) haue authoritie to remoue inſufficient Conſtables and Borſholders, and to ſubſtitute able perſons in their place. Neither ought theſe Officers to diſpute whether their commaundements bée grounded vpon ſufficient authoritie, or no: as knowing that although a Iuſtice of the Peace (which is a Iudge of Record) ſhould direct a Warrant beyond his authoritie to a Conſtable, or one other of the ſayd officers, yet ſhall ſuch Officer bée holden excuſed for executing the ſame, howſoeuer that Iuſtice of Peace himſelfe be blamed for it. Precepts,

14.H.8. cap.18. 21.H.7.22.

If therefore a Warrant for the Peace, or good abearing, happen to bée directed to any of theſe ſayd Officers, then ought he with all ſpéede and ſecrecie to find out the partie: and then alſo may hée lay his hands vpon him, and ſhew him the mat-

ter, and require him in the Kings name to goe with him, to put in suretie accor-ding to the Warrant. And this if the par-tie shall refuse to doe, then ought such Officer forthwith to arrest him, and to conuey him to Prison, without carry-ing him to any Iustice: in which doing, if the partie shal offer any resistance, or shal seeke to escape, then also may such Offi-cer iustifie the beating, or hurting of him. 21.H.7.39.

But if the partie shall yeeld to goe and giue Suretie, and yet will not goe to such Iustice as made out the Warrant, but to some other Iustice, then ought such Offi-cer to giue him that libertie, so that it bee not farre out of the Limit: for els so great trauaile might follow vpon the Officer, as rather hee, then the offendour, might seeme to be punished by it. 21.H.7.28.

And here the Officer must take regard, and consider whether the Warrant doe come directly from the meere authoritie of the Iustices of Peace, or else be grounded vpon a Writ of *Supplicauit* sent downe from higher authoritie (which difference ought to appeare plainely in all Warrants that be wel and orderly made.) And if the Warrant be grounded vpon such a Writ, then may such Officer compell the partie to goe to the verie same Iustice or Iustices

of

of Peace that made out the Warrant, and otherwiſe he may carry him to priſon, as is ſaid before.

Neither is it requiſite, that ſuch an Officer ſhould daunce after the party (as many vſe to doe) vntill hée can finde out ſureties: but he may lawfully kéepe him, vntil that he can get ſureties to come vnto him: the ignorance of which point is y cauſe, both that many an euill man eſcapeth, and many an honeſt Officer is puniſhed for it.

But here it happeneth many times, that the partie (hearing that ſuch a Warrant is graunted againſt him) offeréth himſelf with ſureties, for that cauſe, vnto ſome other Iuſtice of peace, or findeth ſuch ſuretie in ſome of the Courts at Weſtminſter, and ſo hath a *Superſedeas* readie to ſhewe ſuch Officer, as commeth to him with a Warrant as is aforeſayd. Now, if that be ſo, then is the Officer diſcharged therby, and ought not any further to moleſt the partie. But yet it ſhall be good, that ſuch Officer doe kéepe the *Superſedeas* for his better diſcharge, & ſhewe it to the Iuſtice from whom he receiued the commaundement of ſeruice, leaſt otherwiſe hée be called to account for not ſeruing the Warrant that was ſent vnto him.

If a Warrant bée directed to a Conſta-

ble, or such other Officer, to arrest one that is indicted of Felonie, then may such Officer iustifie the killing of such a party, if it be so, that hee cannot otherwise take him: or if so be, that he resist, or flye, when he is taken. 22. Lib. Ass. 55. Coron. 261. 288. 328. in Fitzh.

Finally, the Constable, or such other of the sayd Officers, having arrested any to be conueyed to the Gaole, must take good heede, that he doe not willingly, or negligently, suffer such partie to escape from him. For if the arrest were for Felonie, then by a willing escape, the Officer himselfe becommeth a Felon also. And of whatsoeuer other kinde the offence be, if the Officer doe, by his will, or negligēce, suffer the party to escape from him, hee shall bee fined for it, according to the quantitie of his fault, by the discretion of those that shal be Iudges of it. And least any such Officer should flatter himselfe, in thinking that hee may passe through with some easie Fine: I let him knowe, that the Iudges of his fault may set his fine, equal with the value of all his goods, if in their discretions his default do so require. 11. H. 4. 24. Stamf. 35.

The equall duetie of these Officers, in

16 Thus haue I performed the first part of my promise, and haue shewed what is the equall and like duetie of euerie of the sayde *Officers* in matters concerning

cerning the Peace, both by their owne authoritie, and also in doing the commaundements of the Iustices of Peace: Now therefore I must go forward to the second part of my purpose, & am to declare their like duetie in other points of seruice, that do not concern the Peace, For, equall power is indifferently giuen to any of those *Officers* by some *Statutes* of the Realme, whereof those that follow be the chiefe, & principall. matters besides the Peace.

33.H.8.cap. 10.& 37. H. 8.ca.7. 17 All Constables, and other the sayd Officers, ought to bee attendant, aiding, and assisting to the Iustices of Peace, for the execution of all and euery the Acts (made in, or before the Parliament, holden in the 33. yere of the raigne of king Henrie the eight) concerning Reteinors, giuing of Liueries, Maintenance, Embracerie, Bowstaues, Archery, Vnlawful games, Forestallers, Regrators, Victaile, Victailers, and Inholders, or any of them, vpon paine that the said Constables & other the sayde Officers shall make such Fines, as by two of the sayde Iustices of Peace shall bee assessed. Attendant for the execution of statutes.

14.H.8.cap. 4.5. 32.H 8.c.2. 1.Ma par. 1.cap.9. 18 All Constables, and other the sayd Officers within London, or within seuen miles thereof, ought (vpon request made) to aid and assist the President of the Colledge of the Phisitions of London, and o- Phisitions

ther persons authorized for the due execution of the Statutes made concerning Phisitions, Apothecaries, and Surgeons.

Purueyors 19 If any person shall (without lawfull bargaine) purview or take any thing of any of the kings liege people, to the vse of any (other then the King & his house) and therof notice be giuen to the Constable, or such other Officer of the place, then such Officer ought (vnder ỹ pain of twẽtie pounds) to arrest such taker, and to carie him to the nert prison. 23.H.8.cap. 14.

No Purueyour of the King ought to take any horse, or cart, but by the deliuery of the Maior, Bailife, Constable, or such other officer of the place whence that taking shalbe. 28.H.6.stat. 2.c.2.

Corne ought to be taken for the Kings house, by striked measure of eight bushels to the quarter, according as is vsed throughout the land: and the takers of all things to bee taken for the Kings house, shal make their purueyance by the verie value thereof, by the view of the Constable or other such Officers, and by appraisement vnder oth of foure other good men of the towne, where the taking shalbe: and such taking shalbe made without driuing the praisours by compulsion, menacing, or other villanie, to set any o- 25.E.3.ca.1. 36. Ed.3. stat.2.ca.3.

ther

ther price then their oath will, and as commonly runneth in the next Markets.

2.&3.P. & Mar. cap.9. Takers, Under-takers, their Deputies, or seruants, shall not take any Beeues, Weathers, Lambes, Calues, or any kind of Saltfish, or any kind of graine, or any Butter in any vessels, or Cheese, Bacon, Conies, Pigs, Geese, Capons, or Hens, but by Commission and a Blanke thereto for that shire annexed: in which Blanke, the said seueral things so to be taken, and the prices of them shall be written, and to which Blanke the high Constable, petie Constable, or Headborough of the place where any such taking shall bee, ought to subscribe his name or signe manuel. And such taker ought then also to make a brief or Docket in writing subscribed with his name, containing euery of the saide things so taken in euery place: and ought then also (vnder the paine of an hundred markes) to deliuer the same to the saide High Constable, petie Constable, or Headborogh, who also ought to deliuer it ouer to the Iustices of the Peace at their next generall Sessions within that Countie.

18.Ed.3.c.1. 20 In the takings for the Kings house, Tailes (or Indentures) ought to bee made and sealed, betweene the taker and the owner (in the presence of the Constable,

ble, or such other officer, and the praisers of the place) by which Tailes (or Indentures) satisfaction ought to be made to the owner for his things so taken.

21 If any Taker will make purueiance of any thing (not exceeding the value of fortie shillings) and make not readie paiment in hand therfore, it is lawfull for the owner to retain the thing so taken and to resist such purueyance: and the Constable, Tythingman, or chiefe pledge of the place (being thereto required by the owner) ought to aide and assist such owner in making such resistance, vnder paine to yeelde vnto him the value of the thing taken, and his double dammages. 20.H.6.c.8.

Soldiers. 22 All Constables, and other the Officers abouesayde, of the parish or place, where any of the Kings Souldiers beyond the seas beeing mustered of Record, shall happen to arriue, may arrest and stay such soldiers, till it bee inquired, whether they be lawfully departed frō their Captains, or no. 18.H.6.c.15.

Coroners. 23 All Constables and other the sayde Officers, must be attendant vpon Coroners, for the abiuring & conueying of such persons, as shall take the Churchyard as a Sanctuarie, for safegard of their liues, by occasion of any Felonie by them done. 21.H.8.c.1. 22.H.8.c.14 22.H.8.c.3.

24 By

24 By warrant of such Iustice of peace
3.Iac.ca.10. as committed an Offendor to the com-
mon gaole, the Constable of the hundred,
or the Constable or Tythingman of the
Tything or Township, where such offen-
dor dwels, from whence he was commit-
ted, or where he hath any goods, may sell
such goods of the sayd Offendor as by the
discretion of the said Iustice will pay the
charges of his conueying to ỹ said Gaole:
the Appraisement to be made by foure of
the honest Inhabitants of the Parish or
Tything where such goods shalbe, and the
Ouerplus of the money made therof to be
deliuered to the partie to whom the goods
shall belong: And if such Offender haue
no goods, an indifferent tare therfore shal
be made by the Constables & Churchwar-
dens & two or three other the honest inha-
bitants of the Parish, Township, or Ty-
thing, where such offender shalbe taken,
& in default of them by foure of the princi-
pall Inhabitãts of ỹ said Parish, Town-
ship, or Tithing: which taration beeing
allowed vnder the hand of a Iust. of peace,
if any so tared refuse to pay the same tar-
ation, by Warrant of such Iustice of peace,
the Constable, Tythingman, or other Of-
ficer there, may distraine and sel (by such
appraisement as aforesaide) the goods of
such refuser; and the Ouerplus of money
come

Charges of conueying Offenders to the Gaole.

come by the sale thereof to be deliuered to the Owner.

Rogues, & Beggers

25 The Iustices of peace of euery coũtie twice in a yeare, and oftner if occasion be, are to assemble and mæte together for the better execution of the Statute made 7. Iacobi Regis cap. 4. against Rogues and Vagabonds; And foure or fiue daies before such Assemblie the same Iustices, or the more part of them may commaund the Constables and Tythingmen of euery Hundred, Towne, Parish, Village and Hamlet, with the assistance of sufficient mẽ, to make a general priuie search within their seuerall limits for Rogues, Vagabonds, wandring and idle persons; and such as they haue found and apprehended in the said search, they are to bring before the sayd Iustices at their said Assemblie, there to be examined of their idle life, punished, or otherwise by warrant of such Iustices sent to the house of Correction within the sayd Countie, there to be deliuered to the Maister of such house or his deputie to be set to labour and worke. At which dayes of Assemblie the sayd Constables, and Tythingmen, must appeare in their seuerall diuisions before the sayd Iustices and giue account in writing, and vnder the hand of the Minister of the parish, what Rogues, Vagabonds & wandring 7. Ia. ca. 4.

dring persons they haue apprehēded both in ẏ same search & betwéen euerie such Assemblies, & how many haue béen by them punished, or sent to ẏ houses of Correctiō: Which if ẏ said Cōstables or Tithingmen neglect to perform, or to conuey safely all such Rogues & idle persōs, at ẏ charge of ẏ Hundreth, as by ẏ Just. of P. warrāts are sēt vnto ẏ houses of correctiō; they do thereby forfeit such Fines as the sayd Justices shal think fit, not excéeding 40. s. for euery offence.

Al these things heretofore rehersed, whether they concern the preseruation of the *peace*, or any other matter besides the *peace*, may & ought to be done & executed indifferently (as I think) by any of the said *Officers* within the precinct of his authoritie: that is to say, as wel by the *high Cōstable* of the whole *Hūdred* or *Franchise* within his *Hundred* or *Frāchise*, as by the *Cōstable*, *petie Constable*, *Tithingman*, *Borsholder*, *Borohed*, *Headborow*, *Thirdborow*, or *chief pledg*, within his Town, Parish, Tithing, Borow, or Hamlet: & that so, as none of thē hath more power of office therin thē the other, although some of them haue larger limit of place then the rest. But now I am come to such things, as do seuerally belong to some of these *Officers*, so as the other may not meddle therewith, which is the third part of my promise) and therefore I will take that in hand

High Constable of a Hundred.

hand also: and because the *Constable* of the Hundred or Franchise, is the greatest of these Officers, both in respect of his larger precinct of place, & also of the higher trust that is committed vnto him, I wil begin at him: who, as he is not by and by set alone, but is for some matters no further authorized then some other of the said *Officers*, so I wil first beginne at those, and then come to the rest that belong onely to himselfe.

Prisoners. 26 **The money appointed to be leuied by the** Churchwardens **of euery Parish each** Sunday, **for the relieue of prisoners in the Gaole, ought (vnder the pain of v. l.) to be paid by them once euerie quarter of a yeare, to the** High Constables, **or head** Officers **of euery Hundred, Riding, Wapentake, towne, or parish: & the said high** Constables, **or head** Officers **ought (vnder the paine of fiue pounds) to pay ouer the same money so to them paid, at the next quarter** Sessions **of the Peace, to the person appointed by the** Iustices **of Peace to receiue the same.** 14. El. ca. 5.

It seemeth to mee, that in this case next aboue, the wordes high *Constables*, high *Tythingmen*, and head *Officers*, do exclude *Petie Constables*, *Borsholders*, and such like to meddle therein: because none are called *High*, or *Head*, but in comparison of *Low* and *Base*. Now therefore I wil speake of

of matters concerning the high *Conſtable* of the Hundred alone. High Conſtable alone

5.El.cap.4. 27 High Conſtables of Hundreds in all ſuch Shires, where Petie Seſſions for ſeruants and labourers (otherwiſe called ſtatute Seſſions) were vſed to be kept before the firſt day of the Parliament holden in the firſt yeare of the Raigne of our late gracious Qu. Elizabeth, may yet ſtill hold their ſaid Seſſions, ſo that nothing be done in them, repugnant to the Statute of labourers and ſeruants made in the ſame Parliament. Petty Seſſions.

13.Ed.1.ſta. Winton. 28 The Conſtables of hundreds, and of franchiſes, ought to make preſentment to the Iuſtices of Peace, and to all other Iuſtices thereto aſſigned, of the defaults of Watches, & of the defaults of the Kings High-wayes, not enlarged ſo, as no ditches, vnderwood, or buſhes be within two hundred fot on euery ſide of the ſame: and alſo of ſuch as lodge ſtrangers in vplandiſh Townes, for whom they will not anſwere. Watches and high-waies.

4.E.4. ca.1. 29 Clothmakers ought to pay the wages of their Carders, and other workefolkes, in lawful money, and not in pins, girdles, or ſuch other things: and to deliuer their wools by faithfull deliuerie, and due weight, vnto them to be wrought: vpon pain of forfeiting the treble of their Clothiers.

wages

wages not so paid, and 6. pence for euerie deliuery of such excessiue weight. And the said Workfolkes ought to doe their occupations duly, vpon paine of double dammages to the partie grieued. And euery Constable of the hundred may heare and termine the complaints aforesaid, by examination of the parties, and may commit to the Gaole such as refuse to pay the sayd Workfolkes.

Highwaies

30 Estreats indented ought to be made by the Clarkes of the peace, and by Stewardes of Leetes, of all forfeitures rising in the Sessions of the peace, or in Leetes, vpon the statutes of High-wayes: of which Estreates one part ought to bee deliuered yearely within six weekes after Michaelmas, to the Bailife or high Cõstable of the Hundred, Rath, or Wapentake, wherein the default was committed, and the other part to the Constable & Church-wardens of the Parish in which the default was made, to the intent, that such Bailife or chiefe Constable may thereby leuy by distresse the same forfeitures, or the double thereof, (if no distresse can be found, or if such forfeitures bee not payde within 20. dates after a lawfull demaũd of the same by the said officer) & to the intent also that the said Constable and Church-wardẽs of the parish may thereby cal the said Bailife

2. & 3. P. & Mar. ca. 8. & 5. El. cap. 13.

or

or high Conſtable to account before two Iuſtices of the Peace (the one being of the Quorum) betweene the firſt day of March & the laſt of Aprill yeerely for the ſayd forfeitures, which ought by the ſaid Churchwardens to be beſtowed on the Highwaies in their pariſh. And vpon ſuch account, euery ſuch Bailife, or high Conſtable ſhall haue for his paines viij.d. of euery pound leuied and paid by him, & may alſo retain xij.d. for the fee of the Clarke of the peace, or Steward of the Leete, for euery ſuch Eſtreate by any of them deliuered, as is aforeſaid.

Marſhalſey and Kings Bench.

31 The high Conſtable (in whoſe limit ỹ Pariſh is ſcituate) muſt pay at euery Quarter Seſſion to one of the Treaſurers of the Shire, ſuch money as the Churchwardens there haue paid to him, for the priſoners in the Marſhalſey & kings bēch, vpon paine of xx.s. to be loſt for euery default, 43. El. c. 3. 1. Ia. c. 25. 43. El. ca. 3.

Soldiers.

32 And the like muſt be done (vnder the paine of xl.s.) with that money which the Churchwardens bring to him for diſabled Souldiers.

Popiſh recuſants.

33 The chiefe Conſtable of ỹ hundred (where there be no Churchwardēs or Cōſtables of any Towne, Pariſh, or Chappell in ſuch Hundred) ought once a yeare to preſent at the Quarter Seſſions, the 3. Ia. ca. 4.

monthly absence from Church of Popish Recusants within such Townes and Parishes, & the names of their children of 9. yeares old & vpwards abiding with their said Parents, and the age of such children as neere as they can, as also ỹ names of ỹ seruants of, such Recusants; vnder pain of losse of 20.s. for euery such default. And if vpon such Presentment the partie happen to be indicted & cõuicted (not being for the same absence before presented) ỹ sayd Constable is to haue a reward of 40.s. out of such Recusants goods.

Constable of a towne.

Next after the *Constable* of the Hundred, Wapentake, or Franchise, followeth the *Constable* of a Town, who is somewhere called a *high Constable*, for that he hath there a *petie Constable* vnder him, & is sometimes also termed a *head Officer*, because in some Corporate Townes *Constable* is part of the name of their *Incorporation*. And now also because there be sundry things that are by the lawes indifferently referred to him, or to the *Tythingmã*, *Borsholder*, or such other inferiour Officer of the place: therefore I will first set down those, & then afterward speak of the rest that are commited to him only, and to none of them.

Alehouse.

34 If a cõmon Inholder, or Alehouse-keeper, wil not lodge such as trauaile, the Ruler, Constable, or other Officer of the towne

5. Ed. 4. 3. Acc. sur. case B. 76.

towne may compell him thereto.

5. El. cap. 4. 35 No perſon retained in husbandrie, or in any the Arts appointed by the Statute of Labourers (made in the fift yeare of our late Soueraigne Lady Queene Elizabeth) may depart, after the time of ſuch retainour expired, out of the Towne or Parish, where he laſt ſerued, to ſerue in another, vnleſſe hee haue a Teſtimoniall vnder the Seale of the Conſtable or other ſuch Officer, and of two other honeſt houſholders of the Towne or Parish where he laſt ſerued, according to this forme. *Memorandum*, that A. B. late ſeruant of C. D. of E. in the Countie of K. husbandman, or Tayler, &c. is licenced to depart from his ſaid Maſter, and is at his libertie to ſerue elſewhere, according to the Statute in that caſe made and prouided. In witneſſe whereof, &c. dated the day, moneth, yeare, and place, of the making thereof. Which Teſtimoniall, the parſon, Vicar, or Curate of the parish where ſuch Maſter, Miſtreſſe, or Dame doth dwell, ought to regiſter, taking onely y. d. therefore. And if ſuch perſon bee accepted into any other ſeruice, without ſhewing ſuch Teſtimoniall, to the Conſtable, or ſuch other Officer, Curate, or Churchwarden of the place where hee ſhall bee accepted, he ſhall be impriſoned till he procure ſuch

Seruants.

a Testimoniall, which if he doe not within twelue daies next after the first day of his imprisonment, he shall be whipped as a Vagabond.

Laborers. 36 In the time of Hay, or Corneharuest, the Constable, or such other Officer, of any township, vpon request made, and for auoiding ẏ losse of any corne, graine, or hay, may cause all such Artificers, and persons (as be mëete to labour) by his discretion to serue by the day, for the mowing, reaping, shearing, getting, or inning of corne, graine, or hay, according to the skill and qualitie of the person: and if any such person shall refuse so to doe, then ought such Officer (vnder the pain of fortie shillings) to imprison such refuser in the Stockes, by the space of two daies and one night. 5. El. cap. 4.

Highwaies 37 The Constable, Borsholder, or other such Officer, and the Churchwardens of euery Parish, ought yearely vpon the Tuesday or Wednesday in Easter wëek, to call together a number of the Parishioners, and to chose two honest men of their parish, to be surueyors of the works for amendment of the high waies within their parish leading to any market town: and ought then also to appoint sixe daies for the amendment of those highwaies before Midsommer then next following:

and

and ought openly in the Church, the next Sunday after Easter, to giue knowledge of the same fire daies.

2.&3.P. & Mar. cap.8. and 5.El.c.13. They also ought to haue one parte of the Estreates indented, and may call the Bailife or High Constable, to Account, cõcerning, ỹ forfeitures, for default of amending Highwaies, as hath already appeared before. And they also, or any of them may leuie by Distresse, and by sale of such Distresse, all summes of money forfaited for any cause within the statute of Highwaies made in the eighténe yere 18. El.c.10. of the late Queene Elizabeth, (if so bée that the Surueiours of Highwaies, shall not before haue leuied and imployed the same, within one yeare next after the offence committed) and shall yéelde Accompt thereof before two Iustices of the peace, as is afore shewed.

Highwaies 38 The forfaites against the Statute 35.El.c.19. for amendmẽt of the annoyed Highwaies in the Wealds of Kent, Surrey, & Sussex, ought after cõuictiõ therof to be leuied by distresse, by the Constables, Hedborowes, Tithingmen, or other such Officers there, vpon warrant from the Clerke of ỹ peace in open Sessions, or from two of the Iustices that were at such Session, the one of thẽ being of the *Quorum*.

27.El.c.13. 39 After such time as the two Iustices haue e Cry

of peace, haue ratably assessed euery towne, and parish towards the payment of the damages that any person hath recouered against him of the hundred wherin hee was robbed, vpon the statute of Hue and Crie: then may the Constable, or Headborough, of euery such towne and parish, ratably within his limit, tare (according to their abilities) euery dweller in euerie such towne or parish, toward the paiment of such assessement made by the Iustices: & may also distraine euery person by his goods and cattels that shall refuse to pay the same, and may sel the distresse, and retaine so much thereof as the taxation shall be, & deliuer the ouerplus to the person so distrained. And shall (within x. daies next after he hath leuied the said rates) deliuer the same to the said Iustices, or one of them to the vse of the partie robbed.

Popish recusant.

40 The Minister (or Curat of the Parish, and the Constable, Headborough, or Tythingman of the Towne, to which any Popish Recusant shall bee sent by order of this Statute, shall take notice thereof by him, & shall enter the same into a Booke to be kept in euery parish for that purpose and shall certifie the same to ỹ next Quarter Sessions of the peace in that Countie. 35 El. ca. 2.

Hedgebreakers.

41 The Constable or other inferiour Officer, must whip such hedgebreakers, 43. El. ca. 7.

rob-

robbers of Orchards and gardens, cutters of corne & wood, &c. as be for that purpose commited vnto them by the Iuſtice of peace, vpon pain to be committed to the common gaole without baile or mainprize till it be done.

1. Iac. ca. 31. 42 Euerie Conſtable & other Officer Plague. ỹ doth wilfully make default in leuying ſuch mony as they are commanded by the warrants of Maiors, Bailifes, head Officers, or Iuſtices of Peace (hauing tared the ſame for Relieſe of the poore infected with the Plague) doth forfeit, for euerie ſuch offence, tenne ſhillings to the vſe of ſuch perſons infected. And euerie Conſtable, Headbow or other Officer (if the infection be out of any Citie, Borough, Towne Corporate, Priuiledged place, or Market town) may command or appoint perſons infected, or beeing or dwelling in any houſe infected, to keepe their houſe for auoyding of further Infection: and if notwithſtanding ſuch perſons do wilfully & contẽptuouſly diſobey ſuch direction & appointmẽt, offering & attẽpting to breake or goe abroad, & to reſiſt, or going abroad, & reſiſting ſuch keepers or watchmẽ as are appointed to ſee them kept in; it is lawfull for ſuch watchmen with violence to enforce them to keepe their houſes: And if any hurt come, by ſuch enforcemẽt to ſuch

disobediēt persons, ẏ said kẽpers, watchmen and other their Assistants shall not be impeached therefore. And euery infected person, so commaunded (by the sayd Constable, Headborow, or other Officer) to kẽp house, which contrary to such commandement wilfully and contemptuously goeth abroad & conuerseth in companie, hauing any infectious sore vpon him vncured becommeth a Felon: But if such person haue not any such sore found about him, then for his said offẽce he is to be punished as a Vagabond ought to be by the statute 39. Eliz. ca. 4. And further to bee bound to his good behauiour for a yeare.

Drunkennesse. 43 And because, by the statute 4. Ia c. 5. (made against drunkennesse.) All Constables, Churchwardens, Headborowes, Tythingmen, Alecunners, and Sidemen, shall in their oathes incident to their Offices, be charged to present the Offences contrarie to the same statute, therefore it shall not be amisse to set before them the effect of the said Statute, as followeth. Euerie person that shall be drunke & therof lawfully conuicted, shall for the same offence forf. fiue shillings to be paid within a week after such cõuictiõ to ẏ Churchwardens of the Parish where the offence was committed to the vse of the poore of the same parish: And on neglect or refusal 4 Iac. ca. 5.

to

to pay the said forfeiture, the same shalbe leuied of the goods of the offendor by warrant from the Court, Iudge, or Iustices, before whom the same conuiction was: And if the offendor be not able to paie the said fiue shillings, he shalbe set in ỹ stocks for fiue houres. And euery Constable or other inferiour Officer, to whom that shalbe giuen in charge by precept of any Maior, Bailife, head Officer, or Iustices of the peace within their seuerall limits, that doth neglect the due correction of the said Offendor, or the due leuying of the said penalties where distresse may be had, shall forfeit ten shillings to the poore of the parish or place where the offẽce was committed: to be leuyed by distresse (by any person hauing warrant from the Maior, Bailife, or other head Officer, Iustices of Peace, or Court where such conuiction shalbe) and to be paid to the Churchwardens, as before limited. And euery person which doth cõtinue drinking in any Inn, Victualling house or Alehouse, in the same Citie, Towne, Village, or Hamlet wherein he dwelleth, (other then such as are inuited by Trauailers; labouring & handicrafts men in Cities, Townes corporat, and Market townes, vpon vsual working daies, for one houre at dinner, to take their diet; labourers and workmen, which for

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following of their worke, sojourner, lodg, or victuall in any Inn, Alehouse, or victualling house) other then for vrgent occasions, allowed by two Justices of Peace, & the same be scene by any Maior, or other head Officer, or Justice of P. within their severall limits, or proued by oth of 2. witnesses before any such Maior, &c. shal therfore forf. 3. s. 4. d. to the vse of the poore of the parish where ỹ offẽce was commited, to be leuied as aforesaid. And if such Offendor being lawfully conuict, be not able to paie the said forfeiture, then the Maior, Bailife, head Officer, Justice of peace, or Court, where such conuiction was, may set such Offendor in the stocks 4. houres. And al the said Offences are to be presented (by such Constables, Churchwardens, and other inferior Officers) before the Justices of Assise, in their circuit, Justices of peace in their Sessions, Maiors, Bailifs, or other head Officers of cities or townes corporat hauing power to enquire of trespasses &c. and in Court Leets. And euerie person, being a second time conuicted of Drunkennesse, shalbe bound with 2. sureties in Recognusance of 10. li. to be from thencefoorth of good behauior. But no person shalbe punished for any offẽce mentioned in this stat. vnles he be for the same presented, indicted, or conuicted within 6.

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moneths after the offence committed.

9.Ia.cap. 11. 44 Euerie Conſtable & Headborow, by warrant vnder ỹ hand of 2. Iuſtices of ꝑ. may ſearch the houſes of perſons ſuſpected (other thē ſuch as haue 40.l. yerely of Inheritance, 80.l. yerely of Frēhold, or bee worth 400.l. goods) for Setting dogs or nets for taking of Feſants and Partridges, and the ſame may take, kill, and cut in pēces, as things prohibited, & forfeited to ſuch of ỹ ſaid Officers as ſhall find out and take the ſame. Setting dogs, and nets.

39.El.c.4. 45 Euery of theſe perſons following, and being aboue the age of ſeauen years, is by the law declared to be a Rogue, Vagabond, or ſturdy Begger: that is to ſay: Who be Rogues.

Euerie perſon that calleth himſelfe a Scholler, and goeth about begging: Euery Seafaring-man (not hauing ſuffered Shipwracke, nor hauing lawful Teſtimoniall from a Iuſtice of Peace, of, or nēere the place where hee landed) that goeth about begging, or exceedeth the limits of ſuch Teſtimonial: Euery Idle perſon that goeth about begging, or that vſeth any Subtile-craft or vnlawfull game or play, or that faineth knowledge in Phyſiognomie, Palmiſtrie, or other like craftie Science, or pretendeth to tell Deſtinies, Fortunes, or ſuch like Phantaſticall imaginations. Euery wandring perſon that vtte-

vttereth himselfe to be a Proctour, Procurer, patent gatherer, or collector for any Gaole, prison, or Hospittal. Euery Fencer, Bearward, Minstrell, or cunning player of Enterlude, other then such plaier of Enterlude as belongeth to a Baron or other honorable person of greater degree, & bee authorised vnder his hand and seale of Armes. (But see the statute made in the first yeare of the raigne of our Soueraigne Lord King Iames, c. 7. That from thence- 1. Iac. cap. 7.
forth no authoritie to be giuen or made by a Baron of this Realme, or any other Honorable personage of greater degree, vnto any other person or persons shalbe auaileable to free and discharge the said persons or any of them from the paines & punishments in the said statute (made anno 39. Eliz. cap. 4.) mentioned, but that they shal be taken within the offence, and punishment of the same statute.) Euery Iugler, Tinker, Pedler, Petichapman, or Glasse- 1. Ia. cap. 7.
man that wandreth abroad. Euery Wandring person, or common Labourer not hauing otherwise then by labour to maintaine himselfe, and being able of bodie, that refuseth to worke for lawfull Wages. Euery person, deliuered out of Gaole, that beggeth for Fees, or trauelleth begging. Euery one that pretending losse by Fire, or otherwise, wandreth begging

ging. Euery one (not beeing a Felon) that pretendeth to bee an Egyptian, or wandreth in the forme (or habit) of counterfait Egyptians. Euerie impotent, and diſeaſed perſon (beeing lawfully licenced by two Iuſtices of the peace to go to Bath, or Buxton) that forbeareth not to begge, or returneth not according to ſuch Licence: and euery poore perſon (appointed to aſke reliefe in his pariſh by the Ouerſeers) that beggeth in any other ſort then is appointed.

1. Iac. ca. 31. (By the Statute made ann. 1. Iac. cap. 31. Such as wilfully goe abroade out of houſes infected with the Plague, (beeing commaunded to keepe houſe) though they haue no ſore about them, are puniſhable as Vagabonds in all reſpects ought to bee by the ſtatute (39. Eliz. cap. 4.) And by the Statute made anno 7. Iac. cap. 4. Able perſons, running out of their Pariſhes and leauing their families vpon the Pariſh, ſhall be taken and deemed to bee Incorrigible Rogues, & indure the paines of Incorrigible Rogues.)

7. Iac. cap. 4.

The Conſtable, Headborowe, and Tythingman, of the Hundred, Pariſh, or Tything, ſhall vpon the taking of euery ſuch Rogue, (the Tythingman, or Headborough beeing aſſiſted with the aduiſe of the Miniſter, and one other of the pariſh)

parish) appoint ỳ same Rogue to be stripped naked from the middle vpward, and be openly whipped vntill his or her body be bloudy, and shall forthwith send such Rogue from parish to parish (by the officers of the same) the nert straight way to the Parish where such Rogue was borne, if that may be knowne by his or her confession or otherwise: and if that cannot be knowne, then to the Parish where hee or shee last dwelt before that punishment by the space of one whole yeare: and neither of them being knowne, then to the parish through which he or she last passed without punishment.

After which whipping, such Rogue shall haue a Testimoniall, subscribed and sealed with the hands and Seales of the said Constable, Headborough, Tithingman, and Minister, or of any two of them, the substance of which shall be Registred by the Minister in a booke to be prouided for that purpose vnder the paine of fiue shillings for euery default thereof.

And the forme of that Testimoniall may be thus:

Kent. A.B. a sturdie *Rogue*, of tall Stature, red haired and bearded, about the age of 30. yeeres, and hauinga wart neere vnder his right

right eye, borne (as he confeſſeth) at *Eaſt Tilbery*, in Eſſex was taken begging at Shorne in this countie of *Kent* the 10. of *March*, 1598. and was then there lawfully whipped therefore, & he is appointed to goe to *Eaſt Tilbery* aforeſayde the direct was by *Grauеſend*, ouer the Riuer of *Thamiſe*: for which hee is allowed one whole day, and no more, at his perill: *Subſcribed* and Sealed the day and yeare aforeſaid.

By vs { *C. D. Miniſter.* / *E. F. Borſholder.* / *G. H. Pariſhioner.* } of *Shorne* aforeſaid.

And if ſuch Rogue doe not accompliſh the order of ſuch Teſtimoniall, then is he or ſhee to bee Whipped at euery place for euery ſuch default, till he or ſhe repaire to the place ſo limited for him: And this Teſtimoniall muſt bee carried with him from Officer to Officer as is aforeſayd: wherein it is needefull to ſet downe ſome ſpeciall marke of the bodie of the Rogue to the end that neither one Officer deceiue another, nor the Rogue deceiue them all.

But if ſuch Rogue ſo taken appeare to be dangerous to the inferior ſort of people there, or will not be reformed from Roguiſh life, by the meanes aforeſayde, then any two Iuſtices of peace of that limit (the one

one being of the Quorum) may commit such Rogue to the house of correction or Gaole.

(By the statute an. 1. Iac. ca. 7. Euerie person ought to apprehend or cause to be apprehended such Rogues, Vagabonds, & Sturdie beggers, as he seeth or knoweth to resort to his house to beg, gather, or receiue Almes; and them ought to carrie, or cause to be carried to the next Constable or Tythingman, vpon paine of 10. s. for euerie default.) 1. Iac. cap. 7.

Euery Constable, Headborow, and Tythingman, that shall be negligent, or shall not doe his best indeuour, to take, punish, and conuey ouer the Rogues aforesaide, shall lose 5. s. for euerie default. (By the statute anno 1. Iac. cap. 7. the Constable, or Tythingman, is to forfeit 20. s. for euerie such default.) And euery other person that disturbeth the execution of this Act of Rogues, shall lose 5. l. for euery default, and bee bound to the good behauiour. 1. Iac. cap. 7.

And euery such Constable, Headborow & Tithingman, is in like sort to take and punish, and to conuey from one to another, euerie Rogue and begger that shall be brought and set on land here, from Ireland, Scotland, or the Ile of Man, till he come to the nert Port or Parish in or neere where he was first lāded, vpon forfaiture

of

of tenne ſhillings for euery default.

Now, foraſmuch as the execution of this law, as alſo of that for the *poore*, is vpō good reaſon required at the hands of theſe *Conſtables*, *Borſholders*, & ſuch like inferior *Officers*, becauſe as they of the common ſort be moſt annoyed thereby, ſo are they in euery corner to haue a ready hand & whip to remedy the euill: I think good for their better direction herein to ſet downe thoſe reſolutions and aduiſes, which (as it is commonly ſayd) were giuen by the Queenes *Iuſtices* at *Weſtminſter*, ſoone after the making of the ſayde Statutes: and thus they follow.

A Rogue affirmeth, that he was borne in ſuch a town, in ſuch a county: then ought he to be ſent thither, if it may not otherwiſe appeare that he was borne elſwhere: and if he were not borne there in truth, then is he to be ſaid an incorrigible Rogue, & is to be ſent thence to the houſe of correction in the County to which he is ſent: and if there be none there, then to the Gaole vntill the nert Seſſions, there to be dealt with according to the ſtatute.

2 The ſame courſe is to be obſerued, if it appeare not where he was borne, and ſo if he vntruely affirme that hee was laſt dwelling in ſuch a towne, in ſuch a coun-

tie, by the space of a yeare, and was not in truth.

3 If the husband, or wife haue a house, and the husbād or wife rogue about, they ought to be sent to the towne where that house is, and so of an Inmate.

4 The wife and children vnder seauen yeares of age, being vagrant, must goe and be placed with the husband: if the husband be dead, then with the wife where shee was borne, or dwelt: and the vagrant children (aboue seauen yeares of age) must be sēt to the place of their birth. And if the vagrant parents with their children (vnder seauen yeares) bee placed at the place of birth of the Parents, or at the place of last dwelling (as the case shall fall out) if afterward the Parents, or either of them die, or runne away, yet the children (once setled) must remaine there stil, and may not be sent to their place of birth, though after they growe aboue the age of seauen yeares.

5 The Wife beeing a Vagrant Rogue, ought to be sent to the husband, though he bee but a seruant in another towne.

6 The Rogue whose place of birth (or dwelling) cannot be knowne, hath wife and children, vnder seauen yeares of age, they must go with the husband to ỹ place where

where they were last wilfully suffered to passe without punishment, where ỳ children must be relieued by the worke of their Parents, though the parents be committed to the house of correction.

7 If any (not being Rogues) shal trauaile with their children through a town, and the Father or Mother die, or run away, the town is not bound to keep them where they die, nor to send them away, but onely in charitie, except they become wandring Beggers.

8 If the Parents be able to worke, and may haue worke, they are to finde their children, by their labour, and not the Parish, but if they bee ouerburthened with children, it shalbe a very good way, to procure some of them to be placed apprentices according to the Statute.

9 No man is to be put out of the town where hee dwelleth, nor to bee sent to his place of Birth (or last habitation) but a vagrant Rogue; nor to bee found by the towne, except the partie be impotent, but ought to set themselues to labor, if they be able, and can get worke, if they cannot, the ouerseers must set them to labor: And so of them that haue or shall haue houses, when their estates be expired: And seruants, whose times of seruice are ended, though they cannot get houses, for they

must prouide themselues houses a new, if they be not impotent.

10 Such persons as be of any parish, & haue able bodies to worke, & be no wanderers abroade out of the Parish, though they refuse to worke at such wages as is tared (or commonly giuen) in those parts are notwithstãding not to be sent to their place of birth (or last dwelling) by the space of a yeare, but to the house of correction; vpon consideration had of both the statutes of the poore and Rogues. But if they haue any lawfull meanes to liue by, though they bee of able bodies, and refuse to worke, yet are they not to be sent to the house of correction.

11 Such as wil remoue or put any out of their Parish, that be not to bee put out, this is against the statute, concerning the relief of the poore, & fineable: & if any haue bin so sent, they may be sent back againe.

12 If any be sent to a town whereto he ought to be sent, and is refused, (being a sturdy, or an impotent Rogue) the persõs refusing shall forfeit v.l. and he that is so to bee sent, is to be offered to the Churchwardens and ouerseers.

13 To send the Rogues by a generall Pasport, without conueying them from parish to parish, is a let to the conueying of Rogues according to the statute, & so a

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forfeit of v.l. vpon them. And to goe with such a Pasport, is but still to continue a Rogue, to be punished by whipping.

14 If the Officer will not receiue a Rogue to conuey him to the place where he was born (or dwelt) this is a forfeiture of v.l. in the officer, that shall not receiue the party to conuey him or her ouer.

15 None may be suffered to take reliefe at any mās doze though within the same parish, vnlesse it be by the order of ỹ ouerseers, according to the stat. neither may any be suffered to begge by the highwaies, though in their owne parish.

16 By this word parents, is vnderstood a Father, or a Grandfather, Mother, or Grandmother, being persons able.

17 Within the word children, is included any child, or Grandchild, being able.

18 Parsons, or Vicars, &c. be bound (as inhabitant) to the relieue of the poze, as well as others that inhabite within the Parish.

19 Euery one that hath tythes impropriate, Cole mynes, or lands in manuell occupation, &c. is chargeable: And so for such as haue saleable woodes, proportioning the same to an Annuell benefit.

20 If there be but one Church-warden in the Parish, he sufficeth, with the o-

ther foure Ouerséers.

See before Article 25. the dutie of Constables & Tithingmen in searching for and punishing Rogues, Vagabonds, & Sturdie Beggers, according to the stat. 7. Iac. ca. 4.

All these things last aforesaid, doe pertaine as well to the charge of a *Tythingman, Borsholder, Head-borow, chiefe pledge*, or such other inferiour Officer, as they doe to the *Constable* of such a Towne, or Parish, that hath any of those other Officers vnderneath him. But some other points of charge there be, that belong to such a *Constable* onely, and not to any of them: as for example.

Weights & measures.

46 Euerie Citie, Borough, & Market Towne, that haue a Constable, ought also to haue common measures sealed, and also common weights sealed, at which the inhabitants may freely weigh. 8. H 6. ca 5. 11. H. 7. c. 4.

Marchandize.

47 If any Wools, or other Marchandize be shipped in the Staple in any suspected place adioining to the coast of the water, then Indentures ought thereof to be made betweene the owner, & the Maior or Constable of that place: or otherwise such marchandize shalbe forfeited. 14 H. 6. c. 5.

Vnlawfull games.

48 The Maior, Sherifes, Baylifes, Constables, and other head Officers within euery City, Borough, & Towne within 33. H. 8. ca. 9.

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in this Realme, where any such Officers be, ought, vnder the paine of xl.s. for euery default, once euery moneth at the least, to make search (as well within liberties, as without) in all places where any vnlawful games shalbe suspected to be kept, and may arrest and imprison as well the keepers of such places, as the haunters to the same, till they be found no more to keepe and haunt such places. And if any such Head Officers, shall finde or know, that any Artificer, craftsmen, husbandman, apprentice, labourer, seruant at husbandry, iourneyman, or seruant of Artificer, or that any mariner, fisherman, waterman, or Seruingman, doth play at the Tables, dice, cards, tennice, bowls, closh, coiting, logating, or any other vnlawfull game, out of Christmas time, or out of their Maisters house or presence in the Christmas time, vnlesse it be by the licēce of such master as hath C.l. by the yere, or aboue, and then also, that playing bē within the precinct of such Maisters house gardeine, or orchard: then such head Officer may commit such offender to ward, till he will be bound by Obligation to the kings vse (in such sum as to the discretion of such officer shalbe thought reasonable) that he shall not from henceforth vse such vnlawfull games.

Bridges. 49 Those foure Iustices of peace, that be authorised by the statute to make taxation of money for the amendment of any decayed bridge in the highway, ought to make that Taxation, by the assent of the Constables, or of two of the most honest inhabitants, of euery Towne or parish. 22.H.8.c.5.

Vessels. 50 In all Cities, Boroughs, & Townes, wherein no Wardens of Cowpers be, the the Maiors, Sherifes, Bailifs, Constables, or other head Officers there haue power to search, view, and gawge, barrells, kilderkins, firkins and other vessels, to be made there, and to take such aduantage therby, and in such maner, as by the Wardens of Cowpers within the citie of London may be taken on euery behalfe. 23.H.8.c.4.

Making of Malt. 51 The Constable of euery borough, or Market town, or other town, may view, search, and survey all such Malt as shalbe made or put to sale there: And if he shall find any Barley Malt, made at any time (the moneths of Iune, Iulie, and August, onely excepted) but that the same shall haue the space of three weeks (at the least) in the fat, floore, steeping, and such sufficient drying thereof, and in these three moneths, the space of seuentéene daies at the least: And if he find any person to put to sale, any good Malt mingled with Malt not 27.El.c.14.

not ſufficiently made, or with Malt made of molwburned or ſpired Barley, or to put to ſale any Malt not ſufficiently wel troden, rubbed, and fanned whereby halfe a pecke of duſt or moze may be fanned out of one quarter thereof: Then may ſuch Conſtable (with the aduiſe of one Iuſtice of peace in that ſhire) cauſe the ſame malt to be ſold, to ſuch perſons, and at ſuch reaſonable prices (vnder the common price of the market) as to his diſcretion ſhall ſéeme expedient.

43. El. c. 2. & 3. 52 In default of agréement of the Pariſhioners betwéen themſelues, the Conſtables and Churchwardens of each pariſh (or the moze part of them) may rate and alot within their pariſh, their aſſeſſe for the Stockes of the Shire wherewith that Pariſh was charged at the Quarter Seſſions: and they alſo may leuie the ſame vpon any Pariſhioner by diſtreſſe and ſale of his goods, rendring the ouerplus vnto him. Stocke of the ſhire.

1. Iac. cap. 9. 53 Euery Inn-kéeper, victualer, or Ale-houſe-kéeper, that permitteth any to continue tipling in his houſe, (except ſuch as are inuited by Trauailers, Labouring men in dinner time, or which lodge in ſuch houſes for time of their continuing in worke: or ſuch as for vrgent occaſions are allowed by two Iuſtices of peace) ſhall forfaite tenne ſhillings to the poore of Tipling.

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ye parish: & ye selleth lesse thē a ful ale-quart of the best beere or ale, & of the small two quarts for a penie, shall forfeit xx.s. to the vse aforesaid, ye same offēces being viewed by any Maior, Bailife, or Iustice of the peace in their seueral limits, or proued by oath of two witnesses before such Maior, &c. which penalties are to be leuied by the Cōstables or Churchwardens of the parishes where the offences are committed, by distresse (and for default of satisfaction within sixe daies, the same distresse to bee presently apprised and sold, and the surplusage to be deliuered to the partie of whom the distresse was taken) vnder paine of losse of xl.s. to the foresaid vse, by neglect of their duetie therein, or in certifying the default of distresse by the space of twentie daies to the Maior, Bailife, other head Officer, or Iustice of ye peace, within whose iurisdiction the offence was cōmitted. For which penalties to be leuied by ye Constables or Churchwardens, they shall be accountable to their successors and the parishioners.

Victualling houses. 54 All Iustices of peace, Maiors, Bailifs, head Officers, and Constables, as well of Cities and Towns Corporat, as in euery Countie of this Realme, may in Lent time enter into all houses of Victuallers, and common victualling houses, where 1. Ia. cap. 29.

dres-

dressing of Flesh in Lent shalbe suspected, and finding any Oxen, Beeues, Beuets, Hogs, Calues, Rammes, Ewes, or weathers killed or dressed in Lent time or on fish daies, may seise the same as forfeited, and distribute it to prisoners and other poore folkes by their discretion.

1.Iac.ca.31. 55 Where the Infection is in any Citie, Borough, Towne corporat, priuiledged place, or Market Towne, the Maior, Bailife, Constable, or other head Officers there, may commaund persons being or dwelling in houses infected to keepe in, & the persons disobeying such commaund incurre such danger, as before is expressed in the Article 42. Plague.

3.Ia.ca.4. 56 The Churchwardens & Constables, of euery Towne, Parish, or Chappell, or one of them, shall once euery yere present, at the quarter Sessions, the monethly absence from Church of all popish Recusãts in such townes & parishes, & the names of their children of 9. yeres old & vpwards abiding w̃ their patẽts, & if they can, their age, & the names of their seruants. And in default of such presentment, shall forfeit 20.s. And if the partie vpon such presentment happen to be indicted and conuicted (not being for the same absence before presented) they shall haue a reward of 40.s. of the Recusants goods. Presenting the names of Recusants.

The

The duties of Constables in making an indifferent taxe for the charges of conueying an Offendor to the Gaole, See before Article 24.

Sea-fish. 57 By the warrant of one, or more Iustices of peace, it is lawfull for the Constables & Churchwardens, of euerie Market Towne, Parish or Libertie, within which any offence shalbe done (in erecting of new weares along the sea shore, or in any Hauen, Harbor, or Créeke, or within fiue miles of the mouth of any Hauen, or Créeke; in destroying of the Spawne of Sea-fish in any weare or other Engine; or in fishing with any draw-net, or dagnet vnder three inches meash, in any Hauen &c. or within 5. miles &c.) against the stat. 3. Ia. c. 12. may leuie the forfeitures, by way of distresse and sale of the Offendors goods, rendring to them the surplusage. 3. Ia. cap. 12.

Apprentices. 58 The Parson or Vicar of euery town or parish not incorporate, together with the Constable or Constables, Churchwarden or Churchwardens, Collectors and Ouerseers of the Poore, or the most part of them (where money is already giuen or shall hereafter be giuen to be continually imployed for the binding out as Apprentices the poorest sorts of Children) shall, within the said Townes and Parishes, 7. Ia. cap. 3.

haue

haue the nomination and placing of ſuch Apprentices, and the guiding & imploy-ment of ſuch moneys, as haue bene here-tofore ſo giuen, or which hereafter ſhall be giuen, to and for the continuall binding forth of ſuch, and ſo many Apprentices, & in ſuch ſort as is alreadie, or ſhall hereaf-ter be ſo giuen and appointed, either by the laſt will, or any writing vnder the hand and ſeale of the giuers of ſuch mo-neys. And if any of them willfully for-beare or refuſe, according to their duties, to imploy ſuch moneys, by meanes wher-of the ſayd money ſhall not be imployed accordingly: then euerie of them ſo offen-ding ſhall forfeit three pounds for euerie ſuch offence. And the Maſter, Miſtreſſe, or dame, of ſuch Apprentices ſhalbe bound w̄ one or two ſufficiēt ſureties, in double ỹ ſum they haue receiued w̄ ſuch Apprē-tices, to ſuch Parſon, or Vicar, Conſtable &c. to repay ỹ mony ſo receiued at 7. yeres end, or within three moneths next after ỹ end of the ſaid ſeuen yeres. And if the Ap-prentice, Maſter, Miſtres, or Dame, hap-pen to die within the ſaid ſpace of 7. yeres, thē within one yere next after ſuch death. And the Parſon or Vicar, Conſtable &c. ought to put forth & employ ſuch moneys within three moneths at the furtheſt after the ſame ſhall come to their hands. And if

there

there shall not be found fit persons to bee bound out Apprentices in the towns & parishes where such moneys are or shall be giuen to be employed as afore is declared; the poorest children of any ỹ parishes next adioyning may (by the discretion of the said Parson &c.) be bound Apprentices, taking such bonds as is aboue mentioned. And choise must be alwaies made of the poorest sorts of children; And that no Apprentice be aboue 15. yeres old when he shalbe first bound. And the said Parson or Vicar, Cõstable, &c. are once euery yere, in Easter week, or within a moneth after Easter day, accountable before 4. 3. or 2. Iustices of P. dwelling in or nere to the said towns and parishes, for all such money as they haue employed in binding of Apprentices, & of al Bonds & Obligatiõs taken for payment therof; & of the money remaining in their hãds: And are, at such account, or within 10. daies after, to deliuer to their Successors, or to such as then be in their roomes or places, all the sayde Bonds & Obligations, & such moneys as remain in their hands, not thẽ imployed.

59 In all these cases also, last before rehearsed, it seemeth that Borsholders, Tythingmen, Headborowes, and other such (being in townes, or parishes vnderneath Constables that bee there) cannot

meddle,

meddle, becauſe ſuch Conſtables bée (in compariſon of them) called Head Officers.

60 Now therefore vpon all the whole diſcourſe before written, it may well appeare, that Borſholders, Tythingmen, Headborowes, Borocheads, Thirdboroes, and chiefe pledges, whether they bée there the onely Officers for the peace, or be vnderneath Conſtables, may, within their Borowes, Tythings, or Hamlets, doe many thinges that the others may doe, and that there are many other points which thoſe other Officers may doe, and wherewith theſe Borſholders and the reſt cannot meddle at all. And therefore, to auoide idle repetition of matters already ſpoken, I ſay ſhortly, that if an vnder Borſholder, Tythingman, Headboroe, Borochead, Thirdboroe, or chiefe pledge, will ſée what belongeth to him to doe, he muſt looke before vpon all ſuch caſes, where his power is declared to be equall (for thoſe points) with the power, either of a High Conſtable of the Hundred, or a Conſtable of a towne or pariſh: for in all ſuch things he hath to deale as wel as they: But where any thing before is ſhewed to pertaine onely to the High Conſtable of a Hundred, or onely to the Conſtable, or chiefe or head Officer of a towne The concluſion.

towne, or Parish, there such a Borsholder, Tythingman, or any of the rest, hath nothing to do with it.

And thus having opened so shortly and plainly, as I could, the duties of all these said ministers of the peace, I doe shut vp this worke: desiring those that shall take any profite of this labour, to yeeld thanks to God the most liberall giuer.

FOr the more ease of euery of these Officers in finding out that, which particularly belongeth vnto each of them, I haue diuided the former *Treatise* into threescore seuerall *Articles* (or parts) as it may appeare at the begining of each *Article* by the seuerall *Figure* thereof, by which euery Officer may be directed seuerally to so much as appertaineth to himselfe, if he will marke this short table following. For,

The high Constable *of the* Hundred, Rape, Franchise, *or* Wapētake, *hath the execution of all those matters that doe lie within these Articles, that is to say.*

Ac-

Articles concerning

3, 4 His name and beginning.
11, 12, 13, 14, 15, 16 The Peace, and ſeruing of Warrants.
17 Execution of Statutes.
18 Phyſitions.
19, 20, 21 Purueiors.
22 Souldiours.
23 Coroners.
24 Conueying offendors to priſon.
25, 45 Rogues and Beggers.
26 Priſoners.
27 Petite Seſſions.
28 Watches, and Highwayes.
29 Clothiers.
30 Highwayes.
31 Money for Priſoners.
32 Money for Souldiours.
33 Popiſh Recuſants.
43 Drunkenneſſe.

And the Conſtable of a Towne and Pariſh, hath his part in all things contained within any of theſe Articles following, that is to ſay,

Articles concerning

4 His name and beginning.
11, 12, 13, 14, 15, 16 The Peace, and ſeruing of Precepts.
17 Execution of Statutes.
18 Phyſitions.
19, 20, 21 Purueiors.
22 Souldiors.
23 Coroners.
24 Conueying offendors to priſon.
25, 45 Rogues and Beggers.
34 Alehouſe.
35, 36 Seruants and Labourers.
37 Highwayes.
38 Highwayes in the Weald.
39 Hue and Crie.

40 } Popish Recu-
56 } sants.
41 Hedgebreakers.
42 } Plague.
55 }
43 Drunkennesse.
44 Setting dogs & nets.
46 Weights & measures.
47 Marchandize.
48 Vnlawfull games.
49 Bridges.
50 Vessels.
51 Making of Malt.
52 Stocke of the Shire.
53 Tipling.
54 Victualing houses.
57 Sea fish.
58 Apprentices.

And euery Borsholder, Tythingmen, Borochead, Headborow, Thirdborowe, and chiefe pledge, may for his Borow, or Tything, learne his Office by these Articles, that is to say,

Articles concerning

5 His name.
6 }
7 } His first Office.
8 }
9 } His later Office.
10 }
11 }
12 } Keeping of the
13 } Peace.
14 }
15 } Precepts to be
16 } serued.
17 Execution of Statutes.
18 Physitions.
19 }
20 } Purueiors.
21 }
22 Souldiours.
23 Coroners.
24 Conueying offendors to prison.
25 } Rogues and Beg-
45 } gers.
30 Highwayes.
34 Alehouse.
35 } Seruants and La-
36 } bourers.
37 Highwayes.
38 Highwaies in the Wealds.
39 Hue and Crie.
40 Popish Recusants.
41 Hedgebreakers.
42 Plague.
43 Drunkennesse.
44 Setting dogs and nets.

The

Ministers.

THe later Lawes hauing imployment of many to make, hath borrowed some vse, in a few easie matters, of spirituall Ministers, chiefly for the helpe and readinesse of their pen, which in many Parishes few, or none (besides they) can serue withall.

1 The Minister (or Curate) of the Parish ought to Register the Testimoniall that is made to a seruant to appeare at the end of his Terme, and hee is to take two pence therefore, and not aboue.

2 He also is to assist the Borsholder, or Tythingman, in appointing a Rogue to be whipped, and must Register (in a booke for that purpose) the Testimoniall that such Rogue ought to haue after whipping, vpon paine to lose v. s. for euery default.

5. El. cap. 5. 3 He may giue Licence to a sicke person (during the sicknesse onely,) to Eate flesh vpon dayes prohibited, and must (for iiij. pence) Register the same in the Church booke, if the sicknesse continue aboue eight dayes after the Licence. Licence to eate Flesh.

1. Iac. ca. 29. But see the Statute 1. Iacobi cap. 29. That no Licence granted to any Sicke person by force of the Statute 5. Eliz. cap. 5. shall

be any sufficient warrant to such person to Eate any Beefe, Veale, Porke, Mutton, or Bacon, in Lent, or vpon any day now obserued as a Fish-day, but that the said sicke person for dressing or eating such Beefe, &c. shall incurre the danger and penaltie comprised in the said Statute of 5. Eliz. cap. 5.

Come to Church.

4 The Minister or Curate of the Parish, may require any person within 3. Moneths after his Conuiction vpon the Statute 35. Eliz. cap. 1. to make publike Confession and submission in the seruice time of a Sunday or Festiual day. And he that shall (after notice to him giuen by the Minister, or Curate, or Churchwardens) maintaine, or retaine, in his house, or otherwise, any person obstinately refusing to come to Church, shall lose x. li. for euery such person, for euery Moneth so maintained, or retained. 35. El. ca. 1.

Popish Recusant.

5 The Minister, or Curate of the Parish, and the Constable, Headborow, or Tithingman, of the Towne, to which any Popish Recusant is sent, shall (vpon notice thereof by himselfe) enter the same into a booke to bee kept in euery Parish for that purpose: and shall certifie the same to the next Quarter Session of the Peace in that Countie. 35. El. ca. 2.

Fift day of November

6 Euery Minister after Morning praier 3. Iac. cap. 1.

or

or preaching is alwayes vpon the fift day of November, to read publiquely, distinctly, and plainly the Statute made in the third yeare of the raigne of our most gratious Soueraigne King Iames, for publique thanksgiuing to Almighty God euery yeare on the same day, for his deliuerance of the King and State from the Powder-Treason.

See before in Constables, &c. Art. 25. his hand to be set to the accompt of Constables and Tithingmen, of Rogues taken and punished by them.

See also in Constables, &c. Art. 58. the dutie of the Parson, or Vicar, in binding out of Apprentices, and in imploying of Money giuen to that vse.

The dutie of Churchwardens.

WHilest I passed thorow some of the Statutes before, concerning the offices of Constable & Borsholder, I found them mingled with diuers duties pertaining to the Churchwardens of Parishes: the Surueiors of the Highwayes: the Distributors of the prouision for the destruction of vermine, and Ouerseers of the Poore: whereby I was also moued to adde somewhat of these Offices, the rather

because I was perswaded, that with that little more of labour, I might doe a great deale more of good, seeing that thereby the plaine countryman should (after a sort) bee furnished with all maner of vnderstanding (in the Temporall Law) needfull for the exercise of any of those Offices that may lightly fall vpon him.

First therefore, I will speake of the Churchwardens Office, but that so farre forth only, as the common Lawes, and Statute Lawes of the Realme do leade mee, knowing that such other parts of that office as do rest vpon the Lawes Ecclesiasticall, bee from time to time sufficiently both taught and called vpon, by those that haue the execution of the same.

Office of Churchwardens, by the common Law.

The Churchwardens of Parishes bee taken (in fauour of the Church) to bee for some purposes a maner of Corporation at the common Law: that is to say, Persons enabled by that name, to take moueable goods, or cattels, and to sue, and be sued at the Law, concerning such goods, for the vse and profit of their Parish. And therefore, a man may well in his life time giue, or by his last will bequeath, money or other moueable things, to the Churchwardens, or to the Parishioners of a Parish, either for the reparation of the Church, or towards

12.H.7. vltimo.

towards the buying of Bookes, Communion Cuppes, linnen Cloathes, or other decent Ornaments or furniture for the Church. Which maner of gift is so much fauoured in the Law, that is not altogether needfull in such a gift, for a man to vse expresse words, or writing. For if a man do buy a Bell, and do hang it vp in the Steeple, or do make a Pew, and do set it vp in the Church, and do neither make any word, or writing thereof, yet is this Bell or Pew, by this dedication, giuen to the Church.

Lib. Intrac. fol. 576.

11.H.4.12.
8.H.7.12.

Now, although Churchwardens shall haue none action at the Common Law to recouer a Legacie, or such other thing which they neuer had: yet nowithstanding if any such goods, or ornaments of the Church be once in their possession and custodie, then shall they maintaine and Appeale of Robberie against him that taketh them, or an Action of Trespas against him that shall wrongfully take them away, though it be the Vicar, or Parson himself: and the damnages that they shal recouer thereby shall be to the vse and benefit of the parish, and not to their owne vse. But if those Churchwardens (from whom the goods were so taken) shal happen to die before any Action by them brought for the goods, yet shall the next Churchwardens

They shall haue action

37.H.8.30. & 34.
11.H.4.2.
8.E.4.6.

haue Action for the same.

They may not waste the Church goods.

3 And forasmuch as these churchwardens be Officers, put in trust for the behoofe of their Parish, therefore also are they not enabled with any other power, then for the good and profit of the parish. So that Churchwardens can neither giue away, nor release at their own pleasure, the goods of the Church. For if the Parshioners shall finde that they doe vnprofitably waste, or mispend the goods of the Parish, then may they remoue such Churchwardens, by making their choise of new: which new Officers may (by Action of account) call to account the former Churchwardens, and shall thereby compell them, both to giue reckoning of their doings during their office, and also to make satisfaction to the vse of the parish, for the harme that it hath receiued by their fault. And although the vsage and custome of the Parish be that the Churchwardens there shal cõtinue in their Office, by the space of one whole yeare, or two yeares or more (as indeede some Parishes haue such customes) yet vpon such, or the like misdemeanor found in them, may the parishioners at all times proceed to an election of new Churchwardens, and may remoue the old, for that otherwise they haue no meane by our law to call them to their

They may be remoued & brought to account.

Fitz. Na. br. 91. K. 19. H. 6. 66. al contr.

8. E. 4. 6.

26. H. 8. 5.

their Account, but by such as shal be put in their place. Neuertheless, those former Churchwardens shall (vpon the making of such their Account) haue allowance of all needefull summes of money, or other things, which they haue expended, either vpon the reparation of the body of the Church, or for the prouision of meete and lawfull ornaments, or other furniture of the Church or Parish: because they are compellable (by the Ecclesiasticall Lawes) so to lay forth the goods of the parish committed to their custodie & charge. They shal haue allowance also (vpon such their Account) of the mony paied by them for relief of prisoners in the common Gaole, by vertue of the statute 14. Eliz. ca. 5. and of whatsoeuer other thing that they are by law chargeable to doe.

They haue not to doe with lands

4 This (in effect) is the power and charge that the common law hath giue to Churchwardens: for as touching any estate in lands, or the profits of any lands, Churchwardens haue not to meddle at al: Insomuch, that if the wals, windowes, or dores of the Church be broken, or the trees in the Churchyard be cut downe, or the grasse thereof be eaten vp, then the Parson, or Vicar (and not the Churchwardens) shall haue the Action for it: because Churchwardens are not by law allowed

11.H.4.13.
12.H.7.17.
13.H.7.9.

lowed to be a Corporation for any other thing, then for moueable goods onely.

Churchwardens office by the statute.

Now therefore I will shew how their office is increased by a few statute lawes, that do concerne the same.

Repaire to the Church

5 All persons inhabitting within the Kings Maiesties dominion, shall diligently and faithfully (hauing no lawfull or reasonable excuse to bee absent) indeuor themselues to resort to their Parish Church or Chappel accustomed, or (vpon reasonable let thereof) to some vsuall place where common prayer and such seruice of God (as is contained in the booke of common prayer) shall be vsed in such time of let, vpon euery Sunday and other dayes ordained & vsed to be kept as holy daies: and then & there to abide orderly & soberly, during the time of the common prayer, preachings, or other seruice of God, there to be vsed and ministred, vpon paine of punishment by the Censures of the Church, and also vpon paine that euery person so offending shall forfeit for euery such offence xij.d. to be leuied by the Churchwardens of the parish where such offence shall be done to the vse of the poore of the same parish, of the goods, lands, and tenements of such offendor, by way of distresse. 1.El.cap.2.

Highwaies.

6. The Constables and Churchwardens of euery Parish shall yearely vpon

the

the Tuesday or Wednesday in Easter weeke call together a number of the Parishioners, and shall then elect and chuse two honest persons of the Parish to bee Surueyors and orderers of the workes for one yeare, for amendment of the Highwaies in their parish, leading to any Market towne: which persons shall take vpon them the execution of their said offices, vpon pain, euery of them making default, to forfeit xx. s. And the said Constables and Churchwardens shall then also name & appoint fiue dates for the amendment of the said Highwaies before Midsummer then next following: and shall openly in the Church the next Sunday after Easter giue knowledge of the same fiue dayes. And they also ought to haue one part of the Estreats indented, and shal cal the Constables to accounte, as it doth appeare before in the 30. Article of the Constables office.

7 See after also in the office of the Surueyours of the Highwayes, for leuying those forfeitures by the Churchwardens, if the Surueyors shall not leuie and imploy the same within one yere after the offence committed.

8 And see in the 4. article of the dutie of the Minister, that the Churchwardens may giue notice to such as maintaine, or re-

Refuse to come to the Church.

retaine in house, or otherwise, any person that obstinately refuseth to come to the Church.

Eate flesh. 9 If any person within this Realme, shall (without lawfull licence) eate any Flesh vpon any daies now vsually obserued as Fish-daies, he shall forf. 3. pounds for euery such offence, or else suffer 3. Moneths imprisonment. And euery person within whose house any such offence shall be done, & being priuie or knowing therefo, & not effectually disclosing the same to some publike Officer, hauing authoritie to punish the same, shall for euery offence forfeit 40. s. The third part of all which forfeitures shall be to the vse of the Parish wherein the offence shall be, & to be leuied by the Churchwardens after any conuiction in that behalfe. 5. El. cap. 5.

Licence to eate Flesh. The Licence for eating of Flesh, to be giuen to any person for notorious sicknesse, by the Bishop of the Dioceſſe, or by the Parson, Vicar, or Curate of the Parish, ought to be Registred (if the sicknesse shall continue aboue eight daies after such Licence granted) in the Church booke, with the knowledge of one of the Churchwardens there: and the partie licenced shal giue 4. d. to the Curate for the entrie thereof. See before in the duties of Church Ministers Art. 3. 5. El. cap. 5.

43.El.ca.2. 10 The Churchwardens, and foure, Poore.
thrée, or two others of euery Parish, appointed by the two Iustices of Peace, to be Ouerséers of the Poore there, (or the more part of them) may by the consent of two Iustices, from time to time take order, for setting to worke all persons maried, or vnmaried, that haue no means, or ordinarie trade to liue by, & the children of such parents as shal be thought vnable to maintaine them: and may tare aswell Inhabitants as Occupiers of lands in the Parish to pay weekly, or otherwise, such competent summes of money (as they shal think méet) for a stock of ware & stuffe for such poore to worke, & for the necessarie releefe of the impotent Poore there, and for the putting out of such Children to be Apprentices: and may execute all other things, concerning the premisses, as to them shall séeme conuenient.

And they shall méet together once in each Moneth at the least in the Church vpon some Sunday in the afternoone, to consider of some good course & méet orders to bée set downe in the premisses, & within 4. daies after their yeare ended, and other Ouerséers nominated, shall yéeld vp to the two Iustices of peace, a perfect account of their Money, Stocke, and other things concerning that office, and shall pay the

Monies

Monies that shall be in their hands, to the new Churchwardens, and Overseers, vpon paine to lose 20. shillings for every such Monethly absence, (without cause, to be allowed by the two Iustices) and for every negligence in the execution of the said office, or orders made by assent of the two Iustices, as aforesaid.

And the said Churchwardens & Overseers, (or any of them) by warrant from two such Iustices, may levie such taxations by distresse and sale of the offendors goods, as also the money behind vpon any such account, rendring the Overplus to the partie: & they (with the leave of the Lord of a Common, or Waste, in writing) may erect there conuenient habitations, and place Inmates therin, at the generall charges of the parish, &c. When the stock of the shire, is assessed by the Iustices of peace in their Quarter session vpon every parish: the same shall be yearely rated within the parish by agreement of all the parishioners, or in default thereof by the Churchwardens and constables of the parish, or the more part of them, who may levie the same by distresse and sale of the goods of such as refuse to pay their portion therof, and shall render the Overplus thereof to the owner: and the Churchwardens must ratably pay over to the high Constable,

in

in whose limit the parish is scituate tenne daies before the end of euery Quarter sessions, such money as for that parish they ought to pay for the relife of the prisoners in the Marshalsey and Kings Bench, vpon forfaiture of x. s. for euery default of such payment.

8.El.ca.15. & 14.El. ca. 11.

Destruction of vermine.

¶ In euery Parish, the Churchwardens, with fiue other Parishioners (to be required by the Churchwardens) shall yearely in one of the holy daies in Easter weeke, and at euery other time when it shall be needfull, tare and assesse euery person hauing the possession of any lands or Tithes within that parish, to pay such summes of money as they shall thinke meet, according to the quantitie of such their lands or tithes. And if any such person do deny to pay the same, or do not pay the same (within 14. daies next after request thereof made by the Churchwardens, or one of them) then such person shal forfait for euery time v. s. which (together with the summe assessed) shal be leuied by distresse, of the goods & cattels of such person, to bee taken by the Churchwardens, or one of them, the same distres to be ordered & vsed, as distresses taken for amerciamēts in any Leets. And aswel the said sums as penalties, (if any of them be so

so leuied,) shall be yearely by the Churchwardens, or one of them for the time being, deliuered by Bils indented, to two honest and substantiall persons of the parish which shall be elected and appointed by the Churchwardens, and shall be named, The distributers of the prouision for the destruction of noisome foule and vermine. And if the said Churchwardens, 6. persons, or distributers, or any of them, shall refuse, or make default in the execution of any part of this act, contrarie to the forme therof, then such offendor shall forfait for euery default v. l. the one moity to the king, the other to him or them (vsing tillage yearely within the same shire) that will sue therefore in any Court of Record.

Souldiers money.

12 The money assessed at the Quarter Session by the Iustices of peace vpon euery Parish for the releife of disabled souldiours, may be rated (in default of agreement of the parishioners amongst themselues) by the Churchwardens and Constables of the Parish, or the more part of them: and they may leuie such Rates by distresse and sale of the goods of such as refuse to pay their rates, rendring to the owner the ouerplus comming of such sale: and the Churchwardens must collect and pay ouer to the high Constable in whose diuision 43. El. ca. 3.

diuision such parish is, euery such sum ten daies before euery quarter Session of the peace, vnder the pain of 11.s. for euery default thereof.

For the rest of the office of the Churchwardens, concerning this matter see afterward in the dutie of the distributers. See also in Constables article 26. for the gaole money, to be leuied by churchwardens.

1. Ia. ca. 9. 13 The Cōstables & Churchwardens omitting their dutie in leuying the penalties of Inne-keepers &c. suffering any to remaine tipling in their houses, or selling Ale and Beere, otherwise then by the stat. is appointed: Or neglecting by 20. daies to certifie the default of distresse, in Offēdors against this Act, doe thereby forfeit for euery such default 40. s. to the poore. Whereof see before in Constables &c. 53. Tipling.

1. Ia. cap. 27. 14 If any shal haue or keep any greyhound for courting of deere or hare, or setting dogge or dogs, or net or nets, to take Phesants, or Partridges contrary to this statute 1. Iac. cap. 27. the Churchwardens where the offence shall be committed, or the partie apprehended, are, in cases therein mentioned, to receiue to the vse of the poore of the parish, 40. s. Deere, hare Phesant Partridge.

3 Ia. ca. 4. 15 The Churchwardens & Constables, of euery Towne, Parish or Chappell, or some one of them, are yerely to present at Present the absence frō church of popish Recusants.

the Quarter Sessions the monthly absēce from Church of Popish Recusants; and their Childrens names aboue nine yeres old, and their age if they can; & the names of their seruants, vpon paine of 20.s. And if such Recusant vpon that presentment be inuicted and conuicted they are to haue a reward of 40.s. of such Recusāts goods. See in Constables &c. 56.

Repaire to Church.

16 The Churchwarden may by warrant from one Iustice of peace, leuie, to the vse of the poore, by distresse and sale of the offendors goods, rēdring the ouerplus to such offendor, 12.d. for euery default in not repairing to Church euerie Sunday according to the statute of 1. Eliz. c. 2. See before Article 5. 3. Iac. cap. 4.

Keeping of offendors to prison.

17 Where an Offendor committes to prison, hath not goods sufficient to defray the charge of conducting him thither, the Constables & Churchwardens, & 2. or 3. of the parishioners may make an indifferēt tare for the same: Whereof see before in Constables 24. 3. Iac. ca. 10.

The Office of the Superuisors, Surueiors, or Orderers of the works for amending of the Highwaies.

Vpon the six dayes appointed for working in ỹ highwaies, in such sort as is before declared in ỹ 6. article of ỹ Churchwar- 2. & 3. Phi. & M. c. 8. & 5. El. c. 13. & 39. El. c. 19.

wardens office, euery person for euerie plowland in tillage or pasture ẏ he or they shall occupy in the same parish, & euery other persõ keeping ther a draught or plow, shall find & send, at euery day & place to be appointed for the amending of the waies in the parish as is aforesaid, one waine or cart, furnished after the custom of the cõtry, wᵗ Oxen, horses, or other cattell, & all other necessaries, meete to carrie things cõuenient for ẏ purpose, & also 2. able men wᵗ ẏ same vpon pain of euery draught making default x. shillings. And euery other householder, & also euery cotager & labourer of that parish, able to labour, and being no hyred seruant by the yeare, shal by themselues or ons sufficient labourer for euery of them, vpon euery of the said fiue daies, work & trauell in the amendment of the said highwaies, vpon paine of euery person making default to lose for euery day twelue pence. And if the carriages of the parish or any of them shal not be thought needfull by the superuisors to bee occupied vpon any of the said daies, that then euery such person that should haue sent any such carriage, shall send to the said worke for euery carriage so spared, two able men there to labour for that day, vpon paine to lose for euery man not so sent to the sayd work xy. d. And euery person & cariage a-

bouesaid, shall haue and bring with them such Shouels, spades, pickes, Mattocks, and other tools and instruments, as they do make their own ditches & fences withall, and such as be necessarie for their said worke. And all the said persons and carriages shall doe and kéepe their works, as they shalbe appointed by the said superuisors, or one of them, viz. houres of euery of the sayd daies, vnlesse they shall be otherwise licenced by ỳ said superuisors, or one of them.

From henceforth it shall and may bée lawfull to all and singuler superuisor and Superuisors and orderers of the workes for the time being, for the amendment of the said highwaies, thereunto elected and appointed, according to the statute made in the second and third yere of king Philip and quéene Mary, for the better reparation and amendment of the highwaies within their seuerall Parishes and limits where they shall bée so made superuisors (if it shall bée so to them thought necessarie) to take and carrie away of the rubbish, or smallest broken stones of any Quarrie or quarries lying or being within the parish where they shall be superuisors without licence, controlment, or impeachment of the owner or owners, so much as by their discretiõs shalbe déemed

and

and iudged necessarie to the amendment of the said waies. And ẏ for default of any such Quarrie or Quarries, it shall and may be lawfull for euery such superuisor or superuisors, for the vse aforesaid, in the seuerall grounds of any person or persons, being within the parish, and limits where they shall be Superuisors, and nigh adioyning to the way or wayes wherein such reparations shall be thought necessarie to be made, and wherein grauel, sand, or sinder is likely to be found, to digge or cause to be digged, for grauell, sand or sinder, & likewise to gather stones lying vpon any lands or grounds within the parish, and meet to be vsed to such seruice & purpose, therefore to take and carry away so much as by discretion of ẏ said superuisors shall be thought necessary to be imployed in the amendment of the said highwais. Prouided alwaies, that it shall not be lawfull to any such superuisor or superuisors, by vertue of this act, to cause any rubbish to bee digged out of any Quarrie or Quarries, but only shal ertēd to such rubbish as shall be found there ready digged by ẏ owner or owners of the said quarrie or quarries, or otherwise by his or their licence & commaundement, nor shal not ertend to giue authoritie to any Superuisor or Superuisors to dig or cause to bee digged, any gra-

uel, ſand, or ſinder in the houſe, garden, or-chard, or medow, of any perſon or perſõs, nor that it ſhalbe lawful by this act to any ſuch Superuiſor or Superuiſors to cauſe any more pits to be digged for grauel in any ſeuerall or incloſed groũd then one only, & that the ſame pit or hole ſo digged for grauel as is aforeſaid, ſhal not by any way be in breadth or length aboue x. yards at ỹ moſt. And that euery ſuch Superuiſor as ſhall cauſe any ſuch pit to be made, & digged for grauel, ſand, or ſinder, as is aforeſayd, ſhall within one moneth next after any ſuch digging or pit made, cauſe the ſame to bee filled, and ſtopped vp with earth, at the coſt and charges of the Pariſhioners, vpon paine to forfeit to the owner and owners of the ſoyle, wherein any ſuch pit ſhall be made and digged, for euery default, fiue markes.

5. El. c. 13. From henceforth, euery ſuch Superuiſor & Superuiſors, as aforeſaid, ſhall by force of this act, within the pariſh or limits where he or they ſhalbe Superuiſors, haue full power & authoritie to turne any ſuch water courſe, or ſpring of water, being in any of the ſaid highwaies, into any ditch or ditches, of the ſeuerall ground or ſoile of any perſon or perſons whatſoeuer, next adioyning to the ſaid wayes, in ſuch maner and forme, as by the diſcretions of the

ſaid

said Superuisors shall bee thought meetest and most conuenient.

Such Superuisor or Superuisors for the time being, within one month next after default or offence, made, done, or committed by any person or persons, contrary to the prouision, purport, and true meaning of the stat. made (concerning highwaies) in the second and third yeare of K. Philip and Queene Mary, shall present euery such default or offence to the next Iustice of peace for the time being, vpon paine to forfait for euery such default & offence, in such sort not by them presented, xl.s.

Euery person or persons (except such as shall dwell in ỹ citie of London) that shal be assessed to ỹ paiment of any Subsidie to his Maiestie to v. li. in goods, or xl.s. in lands, or aboue, during al such time as he shal stand so assessed & not altered, & being none of the parties chargeable for the amendment of highwaies by any former law, but as a cottager, shall find two able men yearly to labor in the highwaies, at such daies & times, as by ỹ seuerall statuts therof are limitted & appointed. And euery other ỹ hereafter shal occupie a plough land in tillage & pasture, lying & beeing in seuerall parishes, shal be chargeable to the making of the wayes within the Parish where he dwelleth as far forth, & in such

maner & forme, as any person hauing a plough land, in any one parish, is or ought to be chargeable, by reason of the said former statutes, or either of them. And euery person or persons, occupying & keeping in his or their hands or possessions, seuerall or diuers plowlands, as aforesaid in seuerall or diuers townes, shall be charged to find in each towne or parish (where the plowlands being in his occupying do lie) one cart, waine, tũbrel, dung pot, or court sleds, carres, or drags, furnished for the amendment & repairing of the highwaies, within the seuerall parishes where the said plough lands do lie, in such maner & forme, as if he or they were a parishioner dwelling within the parishes, where the same seueral plough lands do lie.

Euery person or persons, that shall not repaire, ditch, or scowre, any haies, fẽces, ditches, or hedges, adioyning to any highway, or cõmõ fairing way, or shal not cut down or keep low all trées & bushes, growing in, or nere adioining to any the said ways, according to the true intent & meaning of the Act made in the 5. yeare of the late K. Edwards, for euery offence committed therein contrary to the true intent thereof, shall forfait and lose for euerie default x. s. And all and euery person and persons, that shall occupie any

lands

lands adioyning to the ground, so adioyning to any such highway, or common fairing way, where any ditching, or scouring should or ought to be, as aforesaid, shall from time to time, as need shall require, ditch and scower in his or their ground so adioyning, whereby the water conueied from the said highway, or common fairing way ouer the ground nert adioyning, may haue passage ouer the said ground, so next adioining to that ground, vpon paine of forfaiture for euery time so offending, for euery Rodde not so ditched and scoured, xij.d.

No person or persons hauing any ground by lease or otherwise, adioyning to any highway, or common fairing way, leading to any Market towne, shall cast or scowre any ditch, and throw, or lay the soyle thereof into the highway, and suffer it to lie there by the space of fiue Monthes, to the annoyance of the saide highwaie, or cõmon fairing way, vpon paine of forfaiture for euery load of soyle, so cast into the highway, or common fayring way, in Ditching or scowring twelue pence. And where any heretofore haue bin so cast into the highway, or common fayring way, ỹ there is a bank betweẽ the said way and the ditch, it shall be lawfull for the Surueiors and workemen, by the lawes and statutes

tes of this Realme, appointed for the amendmēt of ỹ said waies, to make sluces, or other deuices by their discretions, to conuey the water out of ỹ said way into the ditch: any law, right, interest, custom, or vsage, to ỹ contrarie notwithstanding.

Euery penaltie, summe or summes of money forfaited for any cause within the statute, shall bee leuied in euery parish by the Surueyors of the wayes within that parish for the time being, by distresse and sale of distresse, in manner and forme, as fines or amerciaments in Leetes haue bin vsed, and the money so leuied, to be imployed vpon the high way or common fairing way, where the offence was committed. And if the Surueyors shall not or will not leuie and employ the same within one yere after the offence so committed, that then the said sum or sums, forfeiture or forfeitures, shall bee leuied in forme aforesaid, by the Constables or Churchwardens of the towne or parish where the worke ought to be done in the high-way (as is aforesaid) and that he or they so leuying any of the said penalties or forfeitures, shall make and yéeld such account as is appointed in the before recited statutes, or either of them.

Wealdish wayes. In the Wealde of Kent, Sussex, and Surrey, the Surueyors within the parishes where 39. El. ca. 19

where the Highwaies shall be most annoied, shal (in default of appointment by the Iustices of peace) assigne and appoint in what places of the Highwaies there, the Sinder, grauell, stone or chalke, (to be carried by the occupiers of yron workes) shalbe laied and bestowed: vnder the pain of xl. s. of euery such Surueyor for euery such default, & they shal make demand of the fork. of money to be paid in default of of such carriages: & shal preſēt euery such defaut of carriage, or paiment, at the nert Quarter Session of that County, vpon like paine of xl. s. for euery def. by them.

The Office of the Distributers of the prouision for the distruction of noysome Fowle and Vermine.

8. El. ca. 15. & 14. El. ca. 11. & 39. El. cap. 18.

THese Distributers beeing so chosen, and hauing mony (as is before shewed in the 11. article of the Church-wardens office) shall giue & pay of the same money so to thē deliuered to euery person ỳ shall bring to them any heads of old Crowes, Choughes, Pyes, or Rooks takē within ỳ seueral Parishes, for ỳ heads of euery 3 of them a peny: & for ỳ heads of euery 6. yong Crowes, Choughs, Pyes, or Rooks taken, as is afore said, a peny: & for euery 6. egges of any of thē vnbroken, a peny: & likewise

likewise for euery 12. Stares heads a peny. All which said heads & egges, the sayd Distributers in some conueniēt place shall kæpe, and shall euery moneth at the least bring forth ỳ same before ỳ said Churchwardens and tarors, or thrée of them, and then and there to them shall make a true account in writing, what mony they haue laid forth and paid for such heads & egs, and for the heads of such other rauenous birds and vermin, as are hereafter in this act mentioned: that is to say, for euerie head of Merton, Haukes, Furlekite, Moldkit, Buzzard, Scag, Cormorant, or Ringtaile, y. d. and for euery two egges of them, a penny: for euery Iron or Mspraies heads 4. d. for the head of euerie Woodwall, Pie, Jay, Rauen, or Kite, a peny: for the head of euery bird, which is called the Kings fisher, a peny: for ỳ head of euery Bulfinch, or other bird, that deuoureth the blouth of fruit, one penny: for the heads of euery Fore, or Grey, 12. d. and for the head of euery Fitchewe, Polcat, Weasel, Stote, Faire, Badge, or Wildcat, a peny: for the heads of euerie Otter, or Hedgehog, 2. d. for the heads of euery 3. Rats, or 12. Mice, one peny: for ỳ heads of euery Moldwarpe, or Want, an halfe peny: for the heads of euery which birds & vermin last mentioned, ỳ last Distribu-

stributers shall likewise pay & giue to the bringer of them, for euery head killed and taken within their seuerall parish, as before is limitted, and shal kepe the same to be shewed forth vpon their accoũt, in maner and forme as is aforesaid. All which sayde heads and egges shall be forthwith after such account made in the presence of the said Church-wardens and Tarors, or of three of them, burned, consumed, or cut in sunder.

And if vpon any account to bee made in the end & determination of the office of any such Distributers, it shal appeare that any summe of money is remaining in the hands of the sayde Distributers, or any of them, then the same shall be by bill indented, as is aforesaid, deliuered ouer to such persons, as be or shalbe elected to the same Office, for the yere next following, by thẽ to be distributed as is aforesaid. This shal not in any wise extend, to giue any libertie or authority to any person or persons, to vse or exercise any meanes or engin, for the destruktiõ of crows, or rooks, choughs, or other the vermin aforesaid in any place or places, to the disturbance, let, or destruction of the building or breeding of any kinde of hawkes, herons, egrittes, paupers, swans, or shouelers: or to the hurt and destruction of any doues, doue-houses

ſs, deere, or warren of conies, nor extend
or giue or appoint any ſumme or ſummes
of money to be giuen, paid, or diſtributed
to any perſon or perſons for the head or
heads of any bezzard, ring-tayle, herne,
polcat, fitchew or ſtote, take in any park,
warren, or ground, emploied to the main-
tenance of any game of conies, or to any
hares taken in doue-houſes, nor to the
killing or bringing the head of any kite, or
rauen, killed in any city or town corporat,
or within two miles of the ſame.

FINIS.